CRIMINAL JUSTICE CODE OF ETHICS

CRIMINAL JUSTICE CODE OF ETHICS

As a Criminal Justice Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men 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. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office 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...law enforcement.

CODE OF ETHICS FOR CIVILIAN CRIMINAL JUSTICE EMPLOYEES

As a civilian employee working in a public safety agency, I regard myself as a member of an important and honorable profession.

I will recognize the positive relationship between good physical and mental conditioning and the performance of my job.

I will perform my duty with efficiency to the best of my ability.

My conduct and my performance of my duties will be accomplished in an honest manner, contributory to my fellow workers, and observant of the laws of the city, state and country.

I will not, in the performance of my duty, work for unethical advantage or profit.

I will recognize at all times in my duty that I am a civilian employee working in a public safety agency, and that ultimately I am responsible to the public.

I will give the most efficient and impartial service of which I am capable at all times.

I understand the importance of courtesy and will maintain it as my reference point in all my duties.

I will regard my fellow coworkers with the same standards as I maintain myself.

I share a reciprocal affinity and obligation with my fellow coworkers, my administration, and my agency.

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CRIMINAL JUSTICE CODE OF ETHICS

I will accept responsibility for my actions.

I will strive for those values which will reflect honor on my fellow coworkers, my agency and myself.

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MISSION

The mission of the Medford Police Department is to provide visible, impartial, high quality law enforcement services to reduce crime and the fear of crime as we work in partnership with the community to create a safe environment in the City of Medford.

VISION

We aspire to be a world class agency, which protects our community and serves as a model for character, collaboration and service to meet the challenges of tomorrow.

VALUES

- Community
- Professionalism
- Respect

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

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

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

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

100.3.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

(a) A peace officer may arrest a person for a crime at any hour of any day or night.

(b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.

(c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.

(d) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235, ORS 161.239 and ORS 161.245.

(e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.

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(f) If after giving notice of the peace officer's identity, authority and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.

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

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 OUT OF STATE POLICE POWERS

Oregon police officers have no peace officer powers outside the state of Oregon. Officers must operate as private persons when out of state.

Some officers may receive limited interstate authority under "Blue Lighting" or other cross designation programs sponsored by the US Department of Justice.

100.6 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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Use of Discretion

101.1 PURPOSE AND SCOPE

This policy establishes that officers have discretion as to how the Department mission is accomplished, based on individual circumstances. Discretion is defined as: The freedom or authority to make decisions and choices.

101.2 POLICY

When officers are faced with a situation where discretion can be exercised, they shall carefully evaluate circumstances and consider the following:

(a) Federal, state and local statutes;

(b) Current case law;

(c) Training;

(d) Department policies and procedures;

(e) Mission and Values statements adopted by the Department;

(f) Contemporary public opinion;

(g) Propensity for the violation to continue; and

(h) Potential jeopardy to the safety and well-being of the public in general.

Each officer shall be held accountable for his actions under circumstances where discretionary judgment has been exercised.

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Public Safety Certification

102.1 PURPOSE AND SCOPE

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

102.2 BASIC CERTIFICATION

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

102.3 SUPERVISORS AND MANAGERS

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

102.4 MAINTENANCE OF CERTIFICATION

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

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

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 OATH OF OFFICE

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

"I, (state name), do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the laws therefore and rules and regulations of the Medford Police Department, and I will faithfully, honestly and impartially discharge the duties of (position about to assume) during my continuance therein, to the best of my ability, so help me God."

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

104.2.1 CRIMINAL JUSTICE CODE OF ETHICS

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

104.2.2 MAINTENANCE OF RECORDS

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

104.3 POLICY

It is the policy of the Medford 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

106.1 PURPOSE AND SCOPE

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

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

106.2 POLICY

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

106.2.1 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 Medford 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 Medford Police Department reserves the right to revise any policy content, in whole or in part.

106.3 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 General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

106.3.1 GENDER REFERENCE

General Orders' generic references to gender in the masculine (he / him / his) shall cover both male and female genders throughout this policy.

106.4 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:

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Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

Child welfare - Department of Human Services, Child Welfare.

City - The City of Medford.

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

Department/MPD - The Medford Police Department.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Medford Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Medford Police Department, including full-time sworn officers, reserve officers, non-sworn employees and 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 Medford Police Department.

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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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.

106.4.1 CONFLICTING POLICIES
Policies shall remain in effect until rescinded or superseded.

An employee who discovers a conflict with a another directive should immediately bring it to the attention of a supervisor. The supervisor shall seek clarification for the employee and communicate the conflict to the Chief of Police for resolution.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

Each Bureau Commander will ensure that members under his/her command are aware of any Policy Manual revision.

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

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Other Directives

107.1 SPECIAL ORDERS

Special Orders establish temporary policy for special circumstances or events including, but not limited to:

(a) Special instructions for a particular objective;

(b) Temporary procedures for a special occurrence or event;

(c) Directives to specific units, which do not interfere with the operation of other units, and to which no organizational change is required;

(d) Special instructions or clarification when new or revised General Orders are issued; and

(e) Parades, special activities or events.

Special Orders may be generated on hard copy (pink paper) or as an electronic mail from the Chief of Police, Bureau Commander, or Division Commander. Special Orders are distributed to directly to those Department personnel directly affected by the changes.

107.2 PERSONNEL ORDERS

Personnel Orders announce changes in Departmental personnel, such as:

(a) Assignment of personnel or transfer from one unit to another;

(b) Promotions and special detail assignments;

(c) Appointment of new personnel;

(d) Suspension, dismissal or other disciplinary action;

(e) Restoration to duty; and

(f) Termination of employment by resignation or retirement.

The Chief of Police, only, issues Personnel Orders, which are distributed in hard copy (green paper) immediately to all management staff. Personnel Orders may be posted in various locations within the Department.

The Chief of Police maintains a binder that contains all Personnel Orders.

107.3 CHIEF'S MEMOS

Chief's Memos are information of a general nature or specific interest and directed to all personnel.

The Chief of Police, only, issues Chief's Memos, which are distributed in hard copy (yellow paper) immediately to all management staff. Chief's Memos may be posted in various conspicuous locations within the Department.

The Chief of Police maintains a binder that contains all Chief's Memos.

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107.4 MEMORANDUMS

Memorandums shall be used to forward information to specific personnel within the Department. They consist of subjects that do not warrant a formal order such as:

(a) Matters of concern to individual units or specific persons;

(b) Explains or emphasizes portions of previously issued orders;

(c) Intends to expand on the purpose and reason for issued orders;

(d) Informs personnel of policies or actions of other agencies; and

(e) Outlines step-by-step procedures to perform basic tasks or functions.

Memorandums can be written by any Department member and can be delivered on hard copy or via electronic mail at the writer's discretion.

107.4.1 PROCEDURES MANUALS

Procedures manuals are developed and maintained within specific divisions within the Department. Procedures are general guidelines used as templates for completing specific tasks. Procedures may be revised in individual cases based on circumstances of the specific situation being dealt with as long as revisions are within Department policy.

Procedures are developed from any and all resources and are implemented upon approval of the Division Commander.

Procedures are referenced within the first section of each policy, if applicable.

Procedures are located in the computer on the P drive under ***000 AAA Procedures--New*** .

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Chief Executive Officer

108.1 PURPOSE AND SCOPE

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

108.2 POLICY

It is the policy of the Medford Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

108.3 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 for the best possible service to the public.

200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Medford Police Department. There are two bureaus in the Police Department as follows:

- Operations Bureau
- Support Bureau

200.2.1 OPERATIONS BUREAU

The Operations Bureau is commanded by a Deputy Chief, whose primary responsibility is to provide general management direction and control for the Patrol Division and Community Engagement Division. The Patrol Division has seven teams and is commanded by one Lieutenant. The Community Engagement Division is led by one Lieutenant and comprised of the Traffic Team, Code Enforcement, Community Service Officers, the Livability Team, the School Resource Officers and the Volunteer Program.

200.2.2 SUPPORT BUREAU

The Support Bureau is commanded by a Deputy Chief, whose primary responsibility is to provide general management direction and control for the Investigations Division, Administrative Division and Records Division. The Investigations Division is commanded by a Lieutenant and consists of the Criminal Investigation Section, Illegal Marijuana Enforcement Team (IMET) Section, and the Medford Area Drug and Gang Enforcement (MADGE) team. The Administrative Division is comprised of Administrative Services, Internal Affairs, Training Program and Property Control and is led by the Administrative Lieutenant.

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 Bureau Commander 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) Operations Deputy Chief

(b) Support Deputy Chief

(c) Division Commander

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(d) Watch Commander

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

200.3.3 ORDERS
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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Fiscal Management

205.1 PURPOSE AND SCOPE

The Chief of Police has authority and responsibility for fiscal affairs of the Medford Police Department.

The Support Bureau is delegated responsibility and management for preparation of the budget, however, the Chief of Police has final authority.

PROCEDURES:

- 205.01 PRO Purchasing Limits by Employees See attachment: 205.01 PRO Purchasing Limits Dept Employees.pdf

205.1.1 BUDGET CYCLES

Medford Police Department conducts budget planning biennially. The biennium fiscal budget cycle runs from July 1st and ends June 30th two years hence.

205.1.2 ANNUAL AUDITS

An independent auditor as determined by the City's Finance Department performs annual audits of the City of Medford's fiscal activities, which includes the Medford Police Department, pursuant to ORS 297.405 to 297.555.

205.2 PETTY CASH FUNDS AND ACCOUNTS

Medford Police Department maintains 3 petty cash funds:

(a) Administration petty cash;

(b) Records petty cash; and

(c) Confidential fund.

205.2.1 ADMINISTRATION PETTY CASH FUND

Administration petty cash is maintained for benefit of employees' employment-related small purchases up to a maximum of $60.00 per transaction except for the following:

(a) Meals, either per diem or reimbursement;

(b) Mileage reimbursement; Cash advances; and

(c) Cashing of personal checks.

The Administrative Analyst maintains the Administration petty cash fund using a ledger showing a balance sheet which identifies initial balance, credits, debits and current balance. The Administrative Analyst completes a Disbursement Form (FIN/002), which the employee signs. The employee is given exact amount cash and the Administrative Analyst collects appropriate receipts

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and invoices and submits those to Finance, along with the Disbursement Form. The Finance Department then replenishes the petty cash fund with exact funds.

The Administrative Support Division Commander conducts quarterly audits of the Administration Petty Cash Fund.

205.2.2 RECORDS PETTY CASH FUND

Records Petty Cash is maintained for public transactions involving bail receipts, towing fees and other fees involving Department business. The Records Petty Cash Fund is maintained pursuant to the Bail and Till Instructions Manual, located at the front Records desk.

The Records Manager maintains the Records Petty Cash Fund as part of the electronic City-wide HTE system. The account maintains an account, which identifies initial balance, credits, debits and current balance. A Records Specialist assigned to the front counter duties on a daily basis shall be responsible for the Records Petty Cash Fund. The assigned Records Specialist maintains receipts and balance slip documents for all transactions.

The Records Petty Cash Fund is audited daily and is monitored by the Finance Department.

205.2.3 CONFIDENTIAL FUND

The Confidential Fund is maintained in the MADGE Division for investigative transactions.

The MADGE Division Commander maintains the Confidential Fund cash fund using a ledger showing a balance sheet which identifies initial balance, credits, debits and current balance.

The Confidential Fund is audited quarterly by a Division Commander from a division other than MADGE and reports to the Chief of Police via chain of command. Any draw-down(s) of the Confidential Fund is audited quarterly to ensure that all drawn-downs from the account in HTE are transferred into the buy money account which is administered by the Operations Support Commander. In addition, each quarterly audit should be documented.

205.3 PURCHASING CARDS

Certain Department members may be issued Purchasing Cards pursuant to City Administrative Regulation #00-6-R (City of Medford Purchasing Cards).

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Emergency Operations Plan

206.1 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 Medford Emergency Operations Plan.

PROCEDURES:

- 206.01 PRO Critical Incident Management See attachment: 206.01 PRO Critical Incident Management.pdf
- 206.04 PRO VIP Security Plan See attachment: 206.04 PRO VIP Security Plan.pdf
- 206.05 PRO Special Events Plan See attachment: 206.05 PRO Special Events Plan.pdf

FORMS:

- 206.06 FRM Special Events Plan See attachment: 206.06 FRM Special Events Plan Template.pdf
- 206.07 FRM Special Events Personnel Resource List See attachment: 206.07 FRM Special Events Resource List.pdf

206.2 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.

206.2.1 RECALL OF PERSONNEL

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

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206.3 LOCATION OF MANUALS

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

206.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the City Hall building, all employees shall follow implemented evacuation plans and posted exit routes (OAR 437-002-0041).

The posted exit strategies shall include any special directions for physically impaired employees (Oregon Administrative Rules 437-004-0450).

Emergency Evacuation Procedures can be found in the computerized M drive in Administrative Regulation 91-1 in a pdf format.

206.5 UPDATING OF MANUALS

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

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Training

208.1 PURPOSE AND SCOPE

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

FORMS:

- 208.01 FRM Training Request See attachment: 208.01 FRMTraining Request NEW.pdf

208.2 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).

208.3 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.

208.4 TRAINING PLAN

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

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

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208.5 TRAINING NEEDS ASSESSMENT

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

208.6 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances.
2. First choice vacation.
3. Sick leave.
4. Physical limitations preventing the employee's participation.
5. Emergency situations.

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

1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Coordinator to attend an alternate date.

208.7 TRAINING COSTS

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

208.8 DAILY TRAINING BULLETINS

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

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Admin Support 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,

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employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

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

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

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Off-Duty Use of the Police Pistol Range

209.1 PURPOSE AND SCOPE

This policy shall dictate how and when Medford Police personnel use the range when it is not an authorized or otherwise organized event with no rangemaster on premises.

209.2 OFF-DUTY RANGE USE

(a) Medford Police Officers may be allowed to use the secured law enforcement shooting range at 6800 Kershaw Road, White City, Oregon, for off-duty target practice only pursuant to the Letter of Agreement with the Rogue Valley Shooting Sports Association, the RVSSA's Range Use Policy, and this policy.

(b) Any use of the law enforcement range that is not an organized shooting or training event, and is not supervised by Medford PD personnel shall be considered off-duty, and is not subject to coverage by the City of Medford insurance coverage for workman's compensation issues.

(c) Officers desiring to use the range off-duty may do so without interfering with organized groups or others who have specifically reserved the range facilities.

(d) Officers intending to use the range off-duty are encouraged to have a minimum of 2 officers during any range use for safety.

(e) Officers intending to use the range shall:

1. Obtain the gate combination from the Training Coordinator and shall not furnish such combination to any unauthorized persons;
2. Not permit unauthorized persons or non-sworn employees to use the range; c. Yield the range to any organized shooting event or group;
3. Have not been consuming alcoholic beverages or be under the influence of an alcoholic beverage prior to shooting that day;
4. Not possess any alcoholic beverages on the range premises;
5. Raise the red safety flag while the range is in use & lower it upon conclusion of all shooting;
6. Observe all range safety rules as any organized range event;
7. Practice shooting only during daylight hours;
8. Wear all safety protection as any organized event (including: ballistic vest, ear protection & eye protection) when firing Department-authorized weapons;
9. Conduct all shooting within the shooting bays / lanes as in any organized range event;

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10. Shoot at only proper / designated targets within the range lanes;
11. Practice only with approved firearms and ammunition the officer is qualified for, or is attempting to qualify for;
12. Return all target apparatus to proper storage;
13. Clean up all expended brass, wading, trash, etc; and
14. Immediately report any injuries or facility damage to an on-duty Medford PD supervisor.

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Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.2.1 USE OF ANOTHER EMPLOYEE'S E-MAIL

No employee shall "hack," or otherwise attempt to gain entry into another employee's e-mail file, system, or personal computer, whether from within a City of Medford facility, or from a remote, outside location. Such activity may be a violation of federal law under the Federal Electronic Communications Privacy Act (18 U.S.C. 2510).

212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

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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.

212.4 EMAIL RECORD MANAGEMENT

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

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

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Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 CORRESPONDENCE

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

214.2.1 BUSINESS CARDS

All Department business cards are property of Medford Police Department and shall be used for official Department business, only. The Chief of Police shall approve all business card formats.

The use of Department business cards shall grant no special privileges to either the presenter or receiver.

214.3 SURVEYS

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

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Staffing Levels

216.1 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.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least five regular officers on duty whenever possible in addition to the Watch Commander when a single patrol team is on-duty.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a Corporal may be used as a field supervisor in place of a Patrol Sergeant.

With prior authorization from the Patrol Division Commander, an officer may act as Watch Commander for a limited period of time.

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Inspections

217.1 PURPOSE AND SCOPE

All members shall respond and submit to inspections as scheduled. Supervisors may conduct unscheduled inspections at any time.

217.2 LINE INSPECTIONS

Supervisors of sworn personnel shall conduct formal line inspections of their respective subordinate officers as directed below.

Supervisors shall perform routine inspections of their subordinate officers' uniforms, weapons, equipment, documents, and vehicles to ensure operational readiness and compliance with Department policy. Supervisors should conduct an informal visual inspection of their subordinate personnel, daily.

Patrol supervisors of uniformed personnel conduct line inspections of their personnel:

(a) Weapons, ammunition and vehicles should be inspected monthly;

(b) Uniforms should be inspected semi-monthly; and

(c) Documents and other equipment should be inspected as directed by the Patrol Division Commander.

217.2.1 CORRECTING DEFICIENCIES

Any deficiencies involving weapons, vehicles and other safety equipment shall be immediately corrected.

Any deficiencies involving uniforms and equipment other than safety equipment should be corrected immediately or as soon as practicable.

217.3 FACILITIES INSPECTIONS

All supervisors are responsible for conducting facilities inspections, daily. Supervisors should visually walk-through their immediate respective areas of responsibility and promptly correct any deficiencies.

Patrol supervisors should conduct a general visual inspection of the police facilities and City Hall, in particular at least once per shift. Any discovered deficiencies should be promptly corrected.

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Police Advisory Committee

218.1 PURPOSE AND SCOPE

This policy explains the organization, duties, and function of the Police Advisory Committee.

218.2 POLICY

The Police Advisory Committee is designed to be a link between the community and its police department. It is a simple mechanism to facilitate and enhance communication between the police department and the community. The Police Advisory Committee will allow, on a consistent basis, for a non-law enforcement or broader community view to influence local law enforcement services.

The Medford Police Department will utilize the Police Advisory Committee for the purpose of reviewing and making recommendations to the Chief of Police on matters pertinent to the Police Department. Areas such as significant community issues, budget and program review, and community outreach assistance are all within the board's realm of responsibility.

218.3 APPOINTMENT OF COMMITTEE MEMBERS

The Police Advisory Committee shall consist of the following 11 members: one member from each ward (4); one (1) member representing the 549 School District; one (1) member representing the minority community; one (1) member representing the faith based community; one (1) member representing the business community; the Chief of Police; the Deputy Police Chief of Operations; and the Deputy Police Chief of Administration.

Selected representatives should be either residents within or employed at a location within the Medford "sphere of influence."

The intent of this composition is to form a diverse group of people of manageable size who represent stakeholders in the community to evaluate and make recommendations to the Police Department through the Chief of Police. Ad Hoc committee members may be apointed by the Advisory Board as specific needs arise.

Selected members will be subject to a background check by Police Department Staff. Selected members serve at the pleasure of the Chief of Police, and will be replaced at the request of the Chief of Police.

218.4 APPLICATION PROCESS

When a vacancy exists on the Committee, such vacancy will be announced by the Police Department and a replacement in the "sphere of influence" will be sought.

All members shall meet the following qualifications: be a law abiding citizen with no felony convictions or convictions involving moral turpitude; be willing to commit to two years of service; be willing to serve as an advocate for the department's outreach efforts; and be willing to serve as an advocate on behalf of the community.

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The following process will be used to select citizen members:

(a) Applications will be submitted to the Police Department.

(b) Criminal history background check completed.

(c) Candidates invited to an interview with the Chief, assigned councilmember and invited committee members.

(d) Candidates recommended for selection are forwarded to the City Council for approval.

The Police Advisory Committee shall be co-chaired by the Chief of Police and a committee member selected by the citizen members.

218.5 TERM OF COMMITTEE MEMBERS

All members shall be appointed to serve two-year staggered terms.

218.6 POWERS AND DUTIES OF COMMITTEE MEMBERS

The powers and duties of the police advisory committee shall be as follows:

(a) Meet at least once each quarter, or by calling a special meeting, if needed.

(b) Review all comment cards and determine if complaints and problems have been addressed.

(c) Review any departmental procedures that have resulted in repeated complaints and make recommendations to the Police Department regarding the need for policy changes.

(d) Compile and forward to the City Council an annual written report by January 30th.The report shall include data concerning the status of matters reported on comment cards, written complaints, use of force and all activities the Police Advisory Committee participated in.The report shall be in a format prescribed by the City Council.

(e) Provide a venue for citizens seeking complaint redress to be placed on the Police Advisory Committee agenda to allow an opportunity for oral comments and complaints to be heard.The Committee may provide suggestions and/or recommendations on the appropriate avenues for resolution of these matters.

(f) Provide recommendations to the Chief of Police on community issues brought before the committee.

(g) Serve as a public review and involvement body for the Police Department on issues suggested by committee members and/or the Chief of Police.

(h) Assist the Department in identifying short and long term goals.

(i) Serve as an advocate for the community to the Police Department and as an advocate for the Police Department to the community.

The Committee is not empowered to investigate complaints on its own.The Committee shall neither participate in nor interfere with any internal investigation process of the Police

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Department.The Committee shall neither summon witnesses nor review documents exempt from public disclosure that involves an internal affairs investigation.To enable the Committee to perform its functions, the Chief of Police shall provide the Committee with a copy of each complaint and a report as to the disposition of the complaint.

218.7 ORGANIZATION

The Police Advisory Committee is a branch of the Office of the Chief of Police. Staffing and clerical support for the Police Advisory Committee will be assigned by the Chief of Police.

218.8 MEETINGS

The Committee shall meet quarterly, in January, April, July, and October each year. Members of the Police Advisory Committe shall attend all meetings unless excused by the committee co-chairs.

218.9 OFFICERS OF THE COMMITTEE

The Police Advisory Committee shall elect a chairperson. This position will serve at the pleasure of the Chief of Police. In case of vacancy, the Chief of Police will select a successor.

218.10 COMPENSATION OF COMMITTEE MEMBERS

Public members selected to the Police Advisory Committee will serve without compensation from the City of Medford.

218.11 CONFIDENTIALITY

Matters relating to personnel issues are governed by various laws of the State of Oregon and the City of Medford as well as various labor contracts. Personnel matters are confidential. No member of the Police Advisory Committee may divulge any information regarding a personnel matter that has been deemed confidential by the Chief of Police.

Every new member of the Police Advisory Committee, prior to hearing any personnel matter(s), must sign an agreement, as prepared by the City Attorney, agreeing and promising to maintain the confidentiality of any personnel matter.

Only the Chief of Police or City Manager (or City Manager's representative), with the advise of the City Attorney, has the authority to determine what information related to any personnel matter may be made public.

218.12 POLICY MODIFICATIONS

Nothing in this policy shall preclude the Chief of Police from modifying, or the Police Advisory Committee from recommending modification, to any portion of this order.

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Counter Officer

219.1 PURPOSE AND SCOPE

Medford Police Department staffs an officer to the Counter Officer position. Such position shall be staffed Monday through Friday during regular business hours, or to an adjusted schedule based on Department needs.

The Counter Officer may be staffed by a full-duty Police Officer, by an officer on light-duty or limited-duty status, by a Community Service Officer, or by a student intern or volunteer.

219.1.1 COUNTER OFFICER DUTIES AND RESPONSIBILITIES

The Counter Officer shall be assigned the following responsibilities:

(a) City-wide phone cases that do not necessitate an in-person response;

(b) Walk-in crime reports from the Records window;

(c) Traffic citation sign-offs for eligible violations;

(d) Accepts outside subpoenas on behalf of other officers;

(e) Organizes patrol briefing book;

(f) Maintains & monitors missing person files (both adult & juvenile) including:

1. Conducts assigned follow-up investigations on runaway cases deemed not at risk;
2. Contacts complainant of missing person case to determine current status;
3. Forwards missing juvenile info to SRO's;

(g) City Hall security;

(h) Citizen requests for information at the Records reception window via e-mail inquiries and as assigned by ECSO;

(i) Assist parents with drug testing of their children in the Parent Aid program;

(j) Conduct vehicle inspections and restock necessary equipment;

(k) Coordinate prisoner transport between County Jail, JDH, & Municipal Court;

(l) Check the in-basket for recovered stolen vehicles & missing person cases to ensure cases have been properly entered or cleared from the computer;

(m) Receives and reviews crime and incident reports from on-line reporting and assigns to appropriate division for follow-up or takes other appropriate action;

(n) Attends City Safety Committee meetings;

(o) Attends Domestic Violence Council meetings monthly;

(p) Weekly inspections of City Hall fire suppression equipment;

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(q) Maintains & resupplies kitchen area near sally port;

(r) Attends meetings and committees as directed;

(s) Trains and supervises volunteers and student interns assigned to the Police Reporting Unit; and

(t) Other duties as directed.

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

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

220.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 IDENTIFICATION CARD FORMAT

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

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

220.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Oregon law or by a private person or entity on his/her property if such prohibition is permitted by Oregon law.

220.4 FORMER OFFICER RESPONSIBILITIES

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

220.4.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

220.5 DENIAL, SUSPENSION OR REVOCATION

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

220.6 FIREARM QUALIFICATIONS

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

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

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Police Report Writing Unit

222.1 PURPOSE AND SCOPE

Medford Police Department utilizes non-sworn personnel and volunteers to receive certain non-emergency reports. The Police Report Writing Unit (PRU) receives non-emergency reports and related police activities in order to free police officers to respond to higher priority emergencies, when such staffing is available.

Medford Police Department staffs the PRU with volunteers, student interns, Community Service Officers and Police Officers assigned to the Counter Detail, light-duty or assigned otherwise. The assigned Counter Officer or other designated officer maintains a procedure manual in the PRU. The PRU receives:

(a) Reports made by telephone via ECSO;

(b) In-person contacts at the front counter;

(c) Reports received via internet reporting; and

(d) Reports received by mail.

Medford Police Department staffs the PRU from 0800 to 2400, Monday through Friday, and occasionally on Saturday. There is no minimum staffing for the PRU. Volunteers and Student Interns shall be provided an identification card, which grants appropriate access following successful completion of a background investigation and official appointment. The Counter Officer, Watch Commander or designated officer supervises & trains the PRU staff for daily operations.

PROCEDURES:

- 221.01 PRO Receiving Crime Reports by Mail and Internet

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

AEROSOL SUBJECT RESTRAINTS - Vaporized chemicals used to subdue a person with minimal potential to cause death or serious physical injury.

ELECTRIC STUN DEVICES - Hand-held devices used to stun, restrain or incapacitate a person with minimal potential to cause death or serious physical injury by way of delivering an electric shock.

KINETIC ENERGY IMPACT PROJECTILES - Devices used to subdue a person with blunt force with minimal potential to cause death or serious physical injury.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERVENE

Refer to Duty to Intervene and Report Misconduct in the Standards of Conduct Policy.

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300.3 USE OF FORCE

Officers shall use only that amount of force that is objectively reasonable given the totalilty of the circumstances and the facts perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

(a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

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

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

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

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300.3.4 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. Officers are encouraged to use techniques and methods taught by the Medford Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

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300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury or continuing pain, or who has been rendered unconscious. 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.

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 and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

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

300.5 REPORTING THE USE OF FORCE

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

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER or control device.

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

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

(h) An individual was struck or kicked.

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

300.5.2 ADMINISTRATIVE LEAVE

An officer that is directly involved in a use-of-force incident that results in death or serious physical injury to another person shall be immediately placed on administrative leave with pay, pending administrative review of the incident.

The Chief of Police makes final determination to return the officer to full duty status.

300.5.3 OFFICER WELL-BEING

An officer involved in a use-of-force incident that results in death or serious physical injury to another person shall be seen by a mental health professional at the expense of the City of Medford as soon as possible following the incident and a follow-up visit shall occur within 6 months.

Such visits to a mental health professional shall be handled confidentially and are for the benefit and well-being of the officer. Return to duty status shall not be contingent upon such visits, unless so directed by the Chief of Police.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

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300.7 SUPERVISOR RESPONSIBILITY

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

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

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

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

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300.8 TRAINING

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

300.9 FORCE AGAINST ANIMALS

In situations where animals (domestic and wild) pose a threat to officers or other persons, or interfere in the lawful administration of justice, the appropriate level of force may be used to neutralize the threat.

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Bureau Commander, or designee (Defensive Tactics Program Manager), should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

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

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

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

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

In the event of a serious use of force, board members are at the selection of the Chief of Police.

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

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

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Bureau Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

302.5 ANNUAL REVIEW

An annual review will be conducted on all use of deadly force incidents in accordance with the Department Use of Force policy.

302.6 MADIU CALL-OUT

The Jackson County Major Assault and Death Investigation Unit (MADIU) shall be called in to investigate and document any firearm discharge by an officer occurring in Jackson County under the Cooperative Policing Plan that results:

(a) In an injury or death to any person;

(b) In a potentially criminal violation; or

(c) In any other incident at the discretion of the Chief of Police.

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Threshold Incidents

303.1 PURPOSE AND SCOPE

Threshold Incidents are defined as those incidents that have a higher probability of litigation.

Medford Police Department shall promptly and thoroughly investigate all threshold incidents to minimize liability exposure to individual personnel, Medford Police Department and the City of Medford.

PROCEDURES:

- 303.01 PRO Responding to Threshold Incidents See attachment: 303.01 PRO Responding to Threshold Incidents.pdf

303.2 THRESHOLD INCIDENT FACTORS

The following factors should be used to determine if an event should be handled as a threshold incident:

(a) Any injury to one or more persons or damage to property caused by actions or inactions of members of the Medford Police Department. This includes any injuries or damage caused by (but not limited to) the use of less-lethal weapons, aerosol subject restraints, batons, handcuffs, canine bites, patrol vehicles, forced entry into a residence, etc.;

(b) Any injury and / or admittance to a medical facility as a result of use of any City-owned equipment (i.e., an accident cause by road construction, or a malfunctioning traffic signal);

(c) When statements are made by any person indicating an intention to seek litigation against the City of Medford as a result of any police action or an action or inaction by any City of Medford employee; or

(d) As determined by a supervisor.

303.3 RESPONSE TO THRESHOLD INCIDENTS

A supervisor not directly involved in the incident shall promptly conduct a complete and thorough investigation. Such investigation may include:

(a) Responding directly to the scene of the incident;

(b) Conducting recorded interviews of arrestees, witnesses, bystanders, and other involved parties;

(c) Photographing injuries and property damage;

(d) Collecting physical evidence;

(e) Notifying command staff or counsel on further action; and

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(f) Reporting detailed findings and submitting directly to the Division Commander prior to the end-of-watch via Guardian Tracking for incidents involving use-of-force,vehicle pursuits or threshold incidents.

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Major Incident Critiques

305.1 PURPOSE AND SCOPE

Medford Police Department supervisors in-charge of operations at major incidents, shall conduct a critique as soon as possible after such events. A ***critique*** is a detailed analysis of the components of a major event involving participation by all MPD personnel who were involved in the event. The supervisor shall facilitate such critique, coordinating schedules with other supervisors to encourage all involved MPD personnel to participate.

The critique should accomplish the following:

(a) Identify communication, training, equipment, resources, operating procedures and policy needs; and

(b) Validate operational procedures, training, policy and equipment used.

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The Medford 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.

306.3 USE OF RESTRAINTS

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

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

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

306.3.1 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.

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

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

306.4 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.

Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

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

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

306.5 APPLICATION OF SPIT HOODS

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

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

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

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Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

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

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

306.6 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.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.7.2 PROCEDURE FOR APPLYING LEG RESTRAINTS

Officer shall use the following procedure when applying leg restraints:

- Place the opening of the hobble or leg restraint around both ankles. Take the slack in the strap and wrap around the middle of the ankles and feet of the subject. This will shorten the amount of slack in the strap.
- Attach the clip to the eye-bolts installed in the transport area of the patrol vehicle(s). The strap slack should only be six inches or less in order to limit the mobility of the uncooperative suspect.
- To limit the suspect's mobility it is recommended the officer seatbelt the suspect however, the officer's safety should be considered before doing so.
- Two officer's should be utilized whenever possible when applying the leg restraints.

306.8 REQUIRED DOCUMENTATION

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

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(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

306.9 TRANSPORTING RESTRAINED PERSONS

When transporting a person who has been restrained, officers shall observe the following procedures:

a. Restrained persons may be transported in a patrol unit. They should be seated in an upright position and secured by a seat belt. The long lead of the restraint should be secured within the interior of the transporting vehicle. When the restrained person cannot be transported in a seated position he/she should be promptly transported to the appropriate facility. Persons in-custody that are restrained shall not be left unattended at any time.

b. An officer shall accompany any person in custody that is transported to a medical facility. The transporting officer should inform medical personnel that the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.

c. Officers should inform the jail staff that the arrestee was subjected to being restrained by use of a restraint device instead of, or in addition to handcuffing prior to arrival at the jail.

306.10 TRAINING

Subject to available resources, the Training Coordinator should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Flash Sound Diversionary Devices

307.1 PURPOSE AND SCOPE

Within the scope of police operations the preservation of life and to a lesser extent property is paramount. Devices which provide personnel a tactical advantage with which to more safely engage in the furtherance of such goals are, if executed in a reasonable manner, sound police practice. Reasonable utilization of specialized devices which provide distracting stimuli to the visual, auditory and equilibrium systems of a suspect(s), under given conditions and by qualified personnel can safely provide a substantial contribution toward the successful resolution of a critical incident. This policy shall provide guidelines for the training, storage, deployment and reporting requirements with respect to the use of Flash/Sound diversionary devices.

307.2 DEFINITIONS

Flash Sound Diversionary Device - A low explosive device emitting heat, light and sound by means of deflagration. Also known as a Distraction Device (DD) or Noise Flash Diversionary Device (NFDD).

Stinger Grenade - The Stinger Grenade is a combination of Less Lethal Impact Munitions and Diversion Device that emits rubber pellets, light, sound and an optional chemical agent (CS or OC) powder.

307.3 POLICY

It shall be the policy of the Medford Police Department to authorize the use of DD's and Stinger Grenades by authorized personnel under reasonable circumstances, subject to the guidelines and limitations contained within this policy and other Medford Police Policies (Use of Force).

307.4 TRAINING

Only personnel properly trained in the utilization of DD's or Stinger Grenades, in accordance with this section, shall be issued or authorized to deploy a DD or Stinger Grenades. Training on the utilization of DD's and Stinger Grenades shall be conducted by a a trainer certified at instructor level by the manufacturer of the DD or Stinger Grenade utilized by the Department or other recognized body (National Tactical Officers Association).

It shall be the responsibility of the qualified Department employee(s) assigned as DD or Stinger Grenade instructors to ensure that all Department employees issued DD's or Stinger Grenades are trained to a level of competency as specified by the manufacturer of the device and that the training is conducted in a manner reasonably consistent with the manufacturers specifications for operator level certification.Such training shall include actual deployments of live DD's and Stinger Grenades.

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If the training is conducted by non-departmental personnel, it shall be the responsibility of the SWAT commander or his/her designee to ensure that Department trainees have received certification to operate the DD or Stinger Grenade in accordance with the manufacturer's specifications for operator level training.

Recertification at the Instructor or Operator level shall follow the requirements and time lines established by the device manufacturer or other certifying organizations.All department personnel issued DD's or Stinger Grenades shall be required to maintain certification or training to operate the device and upon the lapse of such certification or training, the Department DD instructor shall ensure the devices issued to such personnel are returned to the magazine.

307.5 JUSTIFICATIONS FOR USE

The use of a DD or Stinger Grenade is a Use of Force and as such must be objectively reasonable under the circumstances at the time of the deployment. As circumstances may change during the course of an incident, the decision to deploy or not deploy a DD or Stinger Grenade is left to the officer deploying the device.

DD's or Stinger Grenades may be utilized in circumstances in which a suspect(s) pose(s) a reasonable and articulable threat to life or property and use of the DD or Stinger Grenade could assist law enforcement in a safer resolution of the incident. Such incidents may include but are not limited to the following:

(a) Hostage Rescue.

(b) Riot Control

(c) High Risk Search Warrants.

(d) To provide a distraction to a potentially dangerous suspect to help effect his/her arrest.

Except in emergency situations the following deployment guidelines shall be adhered to:

(a) Training deployments shall require the consent of the DD or Stinger Grenade Instructor or SWAT Team Commander/Leader/Assistant Team Leader.

(b) Non-training deployments will be pre-planned based on the criteria of this policy and require supervisory authorization.

(c) Only personnel trained per this policy may deploy DD's or Stinger Grenades outside of a training environment.

307.6 DEPLOYMENT

Prior to deploying a DD or Stinger Grenade, the deploying officer shall conduct a visual examination of the area in which the device is to be deployed checking for the presence of any factors/conditions which would preclude such deployment. This is referred to as "sighted delivery" and shall be used for all deployments unless extreme emergency situations require the deployment without a visual examination of the area.

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307.7 POST DEPLOYMENT

Upon conclusion of the event, the officer deploying the DD or Stinger Grenade will be responsible for the following:

1. Photographing the DD or Stinger Grenade in place.
2. Photographing any damage caused by the DD or Stinger Grenade.
3. When practical, photographing subjects exposed to the DD or Stinger Grenade to document injury or lack of injury.
4. Collecting the expended body and spoon of the DD or Stinger Grenade.
5. Notifying the designated Instructor of the deployment and serial number of the DD or Stinger Grenadel.

The deploying officer will complete a report documenting the following information:

(a) Reason and justification for the use of a DD or Stinger Grenade whether it be pre-planned or an emergency deployment.

(b) Actions taken during the deployment of the DD or Stinger Grenade to include visual inspection of the deployment area and "sighted delivery" as well as the method of deployment (hand, launched, pole, command initiated).

(c) Actions or reactions of subject(s) exposed to the DD or Stinger Grenade.

(d) Make, model and serial number of the DD or Stinger Grenade.

(e) Any injuries or damage caused by the DD or Stinger Grenade.

(f) Identification of any individual(s) that was/were exposed or claimed to have been exposed to the DD or Stinger Grenade.

In the event of an injury or suspected injury, the deploying officer or anyone aware that an injury or suspected injury was caused as the result of the deployment of a DD or Stinger Grenade shall immediately notify a supervisor. Medical attention shall be provided as needed or requested and the policies and procedures in Medford Police Department Policy 303 *Threshold Incidents* shall be followed.

The deployment of a DD or a Stinger Grenade shall be documented in the *After Action Report* as required by Medford Police Department Policy 408 Crisis Response Unit.

307.8 SAFETY CONSIDERATIONS

The following safety equipment shall be worn/available as applicable in all DD or Stinger Grenade deployments:

- Eye protection shall be worn by all personnel in the vicinity.
- Hearing protection shall be worn during training exercises and should be worn for all non-training deployments.

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- Nomex or leather gloves shall be worn by any personnel deploying or handling recently deployed DD's.
- Long sleeves shall be worn by any person deploying a DD or any personnel within the immediate deflagration area of a DD.
- A portable fire extinguisher shall be readily available for all deployments.
- Officers transporting DD's on their person shall do so in pouches specifically designed for the carrying of DD's.

307.9 OTHER DEPLOYMENT CONSIDERATIONS

Any DD or Stinger Grenade failing to initiate properly shall be handled per the manufacturer specified render safe procedure.

DD's shall not be deployed directly onto a person unless deadly force is justified. The minimum recommended distance is 5 feet from a person.

DD's may be hand thrown, launched or command initiated (on a pole or otherwise) based upon operational needs.

307.10 EXCLUSIONS FOR USE

DD's or Stinger Grenades shall not be used when any of the following conditions or circumstances are present:

(a) Within the confines or in the immediate vicinity of a known or suspected narcotics lab.

(b) In any environment within which there is significant concentration/quantity of flammable liquids or explosive gasses.

(c) When there are known infants or elderly persons present unless other aggravating factors would reasonably justify use.

307.11 STORAGE

Storage of DD's and Stinger Grenades shall follow the guidelines contained in this section:

All DD's and Stinger Grenades stored at the Medford Police Department Property Control SWAT Armory shall be contained within a Type II magazine (27 CFR 555.203(b)).

All DD's or Stinger Grenades issued to officers must be stored at the Medford Police Department Property Control SWAT Armory in compliance with the above listed policy or stored within a police vehicle in compliance with ATF Ruling 2012-4 Storage of Explosive Actuated Tactical Devices by Law Enforcement.

The following requirements must be met when storing in a police vehicle or SWAT vehicle at any outdoor location:

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(a) The DD or Stinger Grenade must be stored in a Class III magazine or similarly constructed magazine designed for weapons/munitions storage such as a Truck Vault®.

(b) The magazine must be secured with a padlock or other locking device and the magazine must be secured to the vehicle.

(c) The vehicle must be locked and secured with one additional security feature:

  (a) Vehicle alarm

  (b) Vehicle tracking device

  (c) Vehicle immobilization mechanism

  (d) Steering wheel lock, or

  (e) Equivalent alternative

(d) Vehicles are subject to the following net explosive weight limitations:

  1. Sedans and SUV's may not hold more than two DD's or Stinger Grenades

  2. Multi-personnel response vehicles or utility vehicles may not hold more than 10 DD's or Stinger Grenades.

This section does not apply to any DD's or Stinger Grenades which are (27 CFR 555.205):

(a) Being physically handled in the operating process by an authorized user.

(b) Being used.

(c) Being transported to a place of storage or use by an authorized user.

307.12 INVENTORY AND REPORTING

An inventory storage record will be maintained of all DD's and Stinger Grenades stored at the Medford Police Department Property Control SWAT Armory or in police vehicles/SWAT vehicles. The record must contain the name of the explosive material's manufacturer, the quantity on hand, and the dates that the materials are received, removed, and used.A copy of this record will be maintained in any police vehicle/SWAT vehicle where DD's or Stinger Grenades are stored.

An annual inventory will be conducted of the DD's or Stinger Grenades stored in the Medford Police Department Property Control SWAT Armory and in an police or SWAT vehicle.This inventory will be noted on the inventory storage records.

All magazines shall be inspected once every 7 days.This inspection need not be an inventory, but must be sufficient to determine whether there has been any unauthorized entry or attempted entry into the magazine or unauthorized removal of the contents of the magazine;

The theft or loss of any explosive materials shall be reported to ATF within 24 hours of discovery by calling 1-800-800-3855 and completing an ATF Form 5400.5, Report of Theft or Loss - Explosive Materials.Agencies may obtain this form from the ATF Distribution Center, or through the ATF website at *http://www.atfgov*.

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Flash Sound Diversionary Devices

The Medford Police Department shall report expended DD and/or Stinger Grenades annually to the ATF's National Firearms Act (NFA) Branch on official letterhead.The notification must contain the name of the DD or Stinger Grenade manufacturer, the model number, and the serial number. This report may be faxed or mailed to the NFA Branch.

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

PROCEDURES:

- PRO 308.01 Using OC Spray See attachment: 308.01 PRO Using OC Spray.pdf

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 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.

308.4.2 RANGEMASTER RESPONSIBILITIES

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

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

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

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

308.5 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.

The ASP baton shall be carried in its authorized holder on the equipment belt. All uniformed personnel shall carry either the ASP baton or oleoresin capsicum (OC) spray or may choose to carry both.

Plainclothes and non-field personnel may carry the ASP baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 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 Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

308.7 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.

308.7.1 OC SPRAY
OC spray shall be carried in its authorized holster on the equipment belt. All uniformed personnel shall carry either oleoresin capsicum (OC) spray or the ASP Baton or may choose to carry both.

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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.

308.7.2 PEPPER PROJECTILE SYSTEMS

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

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

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

308.7.3 TREATMENT FOR OC/CS SPRAY EXPOSURE

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

308.8 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.

308.9 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.

308.9.1 DEPLOYMENT AND USE

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

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

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308.10 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified annually.

(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.

308.11 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.

308.12 CROWD CONTROL GUIDELINES

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

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

(a) Announce the intent to use tear gas,

(b) Allow sufficient time for individuals to evacuate the area, and

(c) Announce for a second time, immediately before usage, the intent to use tear gas.

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TASER™ Guidelines

309.1 PURPOSE AND SCOPE

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

PROCEDURE:

- PRO 309.01 Using Tasers See attachment: 309 01 PRO Using Tasers.pdf

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

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

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

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

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

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

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

(d) Officers should not hold both a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

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

309.5 USE OF THE TASER DEVICE

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

309.5.1 APPLICATION OF THE TASER DEVICE

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

(a) The subject is violent or is physically resisting.

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

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

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

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

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

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should

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

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

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

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

309.5.8 ADDITIONAL TASER USE GUIDELINES
Officer shall not draw a TASER outside of a Medford Police Department facility, or in the presence of any person in-custody without justification, except under the following circumstances:

a. Testing the TASER in a discreet location if it was not tested within the police facilities;

b. Presentation to a supervisor for inspection; or

c. Securing weapons at the Jackson County Jail or other custodial facility.

Justifiable drawing of the TASER from its holster shall be thoroughly documented in an Incident or Arrest Report. TASER's record each weapon's discharge by date and time. Such information shall be made available to any supervisor for audit or administrative review of an incident.

TASER's shall be secured along with the officer's firearms at any custodial facility or other location where officers are required to secure their weapons prior to entering the facility. Such facilities include the secure booking areas at the Jackson County Jail, Jackson County Juvenile Corrections, and Rogue Valley Medical Center Psychiatric Unit.

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

309.6.1 GUARDIAN TRACKING REPORT
Items that shall be included in the Guardian Tracking report are:

(a) Date of the incident.

(b) Whether the TASER was effective or ineffective

(c) The reason for the TASER being ineffective, if applicable

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The Defensive Tactics Program Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Defensive Tactics Program Manager or designee should conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, could periodically be made available to the public.

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

(f) The number of TASER activations

(g) The location of probe impact

(h) The mode in which TASER was used (probe deployment or drive stun)

(i) Whether the subject sustained any injuries

(j) Whether the officer sustained any injuries

309.7 MEDICAL TREATMENT

Absent extenuating circumstances which might require medical personnel to remove probes from a person's body, only Sergeant's or Corporals, who are trained in doing so, should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

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

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

309.8 ANNUAL AND BI-ANNUAL INSPECTIONS

The Defensive Tactics Program Manager or designeeshall conduct a complete inspection and inventory of all Department TASER's annually and report to the Chief of Police via chain of command. Such inventory may be conducted during monthly Department training.

The Defensive Tactics Program Manager or designee shall inspect all TASER's and:

(a) Conduct necessary service and maintenance;

(b) Download the computerized history on each TASER; and

(c) Re-set the internal time clock.

Service and maintenance may be conducted during monthly Department training.

309.9 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. Photographs of probe sites should be taken and witnesses interviewed.

309.10 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for TASER devices will be documented in the officer’s training file.

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

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

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

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

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

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Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

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

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

PROCEDURE:

- 310.01 PRO Responding to Officer Involved Shootings See attachment: 310.01 PRO Responding to Officer-Involved Shootings.pdf

310.1.1 DEFINITIONS

Involved officer - An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person. As used here, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident (ORS 181.789(a)).

An officer whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by an officer resulted in the death of a person (ORS 181.789(b):

- Began before or during the use of the deadly physical force; and
- Was reasonably likely to have exposed the officer to greater stresses or trauma than other officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force.

Companion officer -- The companion officer:

- Is an advocate for the needs of the involved officer;
- Is promptly assigned to the officer directly involved in the shooting;
- Provides for the involved officer's needs and well-being until interview by investigators or relieved by other personnel;
- Transports the involved uninjured officer to police facilities, or accompanies the officer to medical facilities along with emergency personnel;
- Keeps the involved officer sequestered from other witnesses and other involved officers;
- Provides opportunity for the involved officer to make personal phone calls and or calls to counsel as soon as possible;

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- Ensures that the officer does not unload or tamper with his firearm in any way prior to interview with investigators.

310.2 POLICY

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

310.3 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved officers.

(d) A civil investigation to determine potential liability.

310.4 CONTROL OF INVESTIGATIONS

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

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

310.4.1 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 Medford Police Department would control the investigation if the suspect’s crime occurred in Medford.

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.

310.4.2 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.

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310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	**Criminal Investigation of Officer(s)**	**Civil Investigation**	**Administrative Investigation**
Medford Police Department Officer in this Jurisdiction	Medford Police Department	Jackson Co. Major Assault / Death Investigation Unit and District Attorney's Office	Medford Police Department Internal Affairs Unit	Medford Police Department Internal Affairs Unit
Allied Agency's Officer in this Jurisdiction	Medford Police Department	Jackson Co. Major Assault / Death Investigation Unit and District Attorney's Office	Involved Officer's Department	Involved Officer's Department
An officer From this department in Another Jurisdiction	Agency where incident occurred	Agency or inter-agency investigative unit dictated by county where incident occurred	Medford Police Department Internal Affairs Unit	Medford Police Department Internal Affairs Unit

310.5 INVESTIGATION PROCESS

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

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

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

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

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310.5.2 SUPERVISOR RESPONSIBILITIES

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

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

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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

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

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

(c) Provide all available information to the Watch Commander and ECSO. If feasible, sensitive information should be communicated over secure networks.

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

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

1. Each involved MPD officer should be given an administrative order not to discuss the incident with other involved officers or MPD members pending further direction from a supervisor.

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

310.5.3 WATCH COMMANDER RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Watch Commander.

310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Bureau Commander
- Officer-Involved Shooting Protocol rollout team

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- Outside agency investigators (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Press Information Officer

310.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

1. Involved MPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-MPD officers should be referred to their employing agency.

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

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(d) A mental health professional shall be provided by the Department to each involved MPD officer (ORS 181A.790). An involved officer shall attend at least one session. A mental health professional may also be provided to any other affected MPD members, upon request.

1. Interviews with a mental health professional will be considered privileged.
2. An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
3. The Department shall pay the costs of at least two sessions with a mental health professional and the sessions must take place within six months after the incident.
4. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications with peer counselors are confidential (except threats of suicide or admissions of criminal conduct) and may not be disclosed by any person participating

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in the peer support counseling session (ORS 181A.835). To be considered confidential communications under the statute, the peer counselor must:

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

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

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. An officer who uses deadly force that results in the death of a person shall not be returned to a duty assignment that might place him/her in a situation in which he/she has to use deadly force until at least 72 hours immediately following the incident (ORS 181A.790). It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

310.6 CRIMINAL INVESTIGATION

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

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

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

(a) MPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of MPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However,

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no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

310.6.1 REPORTS BY INVOLVED MPD OFFICERS

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

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

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

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

310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

310.6.3 INVESTIGATIVE PERSONNEL

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

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

310.7 ADMINISTRATIVE INVESTIGATION

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

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

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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

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

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not

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consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

(d) The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

(e) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the use of force policy. The completed administrative investigation shall be entered into Guardian Tracking by the Internal Affairs Sergeant.

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

310.8 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.

310.9 AUDIO AND VIDEO RECORDINGS

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

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

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

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310.10 DEBRIEFING

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

310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

310.10.2 TACTICAL DEBRIEFING

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

310.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Bureau Commander and Press Information Officer in the event of inquiries from the media.

No involved MPD officershall make any comment to the media unless he/she is authorized by the Chief of Police or a Bureau Commander.

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

310.12 REPORTING

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

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Firearms

312.1 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 firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

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

PROCEDURES:

- 312.01 PRO Issuing Firearms to Police Officers See attachment: 312.01 PRO Issuing Firearms to Officers.pdf
- 312.03 PRO Police Firearms Range Procedures See attachment: 312.03 PRO Police Firearms Range Procedures.pdf
- 312.04 PRO Pistol Qualification Course See attachment: 312.04 PRO Pistol Qualification Course.pdf
- 312.05 PRO Secondary Weapon Qualification Course See attachment: 312.05 PRO Secondary Weapon Qualification Course.pdf
- 312.06 PRO Shotgun Qualification Course See attachment: 312.06 PRO Shotgun Qual Course.pdf
- 312.07 PRO Rifle Qualification Course See attachment: 312.07 PRO Rifle Qualification Course.pdf

FORMS:

- 312.02 FRM Firearms Qualification See attachment: 312 02 FRM Firearms Qual.pdf

312.2 POLICY

The Medford 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.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock, Model 17, Model 19, or Model 34 9mm semi-automatic pistol. SWAT members are issued Glock, Model 34, 9mm semi-automatic pistols.

Personnel in administrative and plainclothes positions are authorized to carry the Glock, Model 19, Model 26, or Model 43 9mm semi-automatic pistol. The handgun must be purchased by the employee and the employee must furnish a double retention holster or a holster pre-approved by the Rangemaster.

Uniformed personnel and personnel in administrative and plainclothes positions are also authorized to carry the Glock Model 45 9mm semi-automatic pistol. The handgun must be purchased by the employee and the employee must furnish a double retention holster or a holster pre-approved by the Rangemaster.

Employees must follow the restrictions outlined in 'Personally Owned Firearms' listed below (Refer 312.3.6).

312.3.2 PATROL RIFLES

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

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

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312.3.3 DUTY SHOTGUNS

Duty shotguns are provided and are assigned to each marked and unmarked patrol vehicle.

Patrol officers shall inspect and secure shotguns at the beginning of their tour of duty, incorporating the following procedure:

- Unloading and thoroughly inspecting the shotgun;
- Checking the function and action;
- Ensuring that the weapon is clean;
- Resecuring the weapon in the vehicle in the locking gun rack and ensuring it is locked and secured at all times when not in use.
- The magazine tube fully loaded with 00 buckshot rounds in the magazine tube;
- The buttstock ammunition storage tubes loaded with rifled slug rounds;
- The chamber is empty;
- The action is uncocked; and
- The safety is on.

Officers shall qualify annually with the Department shotgun under the supervision of the Firearms Program Manager.

312.3.4 AUTHORIZED DUTY SHOTGUNS, RIFLES AND AMMUNITION

The following shotguns, rifles and ammunition are authorized for duty use:

(a) Shotgun: Remington Model 870 12- gauge shotgun, pump action, equipped with either (1) fixed stock; or (2) Folding stock with pistol grip;

  1. Ammunition: (1) Winchester 00 buckshot unplated shot, 2-3/4"; and (2) Winchester Rifled Slugs, 1 oz., 2-3/4" hollow-point.

(b) Rifles:

  1. Noveske Model N4, 5.56 mm, semi-automatic rifle (issued to Patrol vehicles, School Resource Officers, and CID);
  2. Noveske Model N4, 5.56 mm, semi-automatic and full-automatic rifle (issued to SWAT members);
     (a) Ammunition: Speer .223, 75 grain GDSP (SWAT only); or
     (b) Winchester Ranger SXT 5.56 mm, 55 grain Ballistic Silvertip (Patrol, School Resource Officers, and CID).
  3. Heckler & Koch Model G36KE, 5.56 mm, semi-automatic rifle (CID);
     (a) Ammunition: Winchester Ranger, 5.56 mm, 55 grain, Ballistic Silvertip.
  4. Remington Model 700,.308 caliber bolt-action single-shot rifle (issued to individual SWAT members).

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(a) Ammunition: Hornady .308 caliber 168 grain A-Max TAP Precision round (standard duty)

(b) Ammunition: Hornady .308 caliber 165 grain GMX TAP Heavy Barrier round (barrier).

312.3.5 CARRYING WEAPONS AT LEGAL PROCEEDINGS

Officers shall be armed while attending all court appearances, grand jury, DMV hearings and other legal proceedings where their appearance is directly related to their employment as a Police Officer.

Such appearance is considered on-duty status. Officers may be in uniform with their on-duty weapon, or in plain-clothes while in possession of their badge and Department identification card with their duty weapon.

Officers that are attending court and legal proceedings **not** involving their employment as a Police Officer, either in civil matters where they are a named party or in criminal matters where they are named as a defendant **shall not be armed** .

312.3.6 PERSONALLY OWNED DUTY FIREARMS

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

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

312.3.7 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

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(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

312.3.8 AUTHORIZED OFF-DUTY FIREARMS

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

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their Medford Police Department identification cards under circumstances requiring possession of such identification.

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312.3.9 AMMUNITION

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

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

312.4 EQUIPMENT

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

312.4.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster (including sites).

312.4.2 HOLSTERS

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

PATROL DIVISION

The Medford Police Department issues duty holsters to all sworn personnel. Listed below are the holsters issued:

- Safariland ALS Duty Holster variants
- Safariland 6280 variants

In addition to those holsters issued by the Medford Police Department, officers are authorized to purchase and use the below listed holsters:

- Safariland SSIII
- Blackhawk Serpa (Duty Model)

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All other patrol duty holsters shall be inspected and approved by the Firearms Program Manager prior to being used on duty. The Firearms Manager will subsequently submit a memorandum to the Chief of Police advising of the additional holster to those authorized for purchase and Patrol Duty use.

CRIMINAL INVESTIGATIONS DIVISION/MPD SWORN PERSONNEL

Members of the Medford Police Department working in divisions other than uniformed patrol are authorized to carry holsters with a minimum of two retention devices. These holsters shall be inspected and approved by the Firearms Program Manager prior to use on-duty.

Kydex style holsters with single retention based solely on tension/fit are not authorized for ***on-duty personnel*** *. Department members should contact the Firearms Program Manager if you have questions regarding authorized holsters.*

312.4.3 TACTICAL LIGHTS

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

312.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Pistol red dot optics, on authorized duty pistols, are only allowed with prior approval and inspection from the Rangemaster or his designee. Currently, the Trijicon RMR is the only authorized red dot pistol optic. All pistols equipped with red dot optics will be required to have back up iron sights and an authorized holster.

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

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

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(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, by using the clearing barrel or with the weapon pointed in a safe direction.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

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

Department-issued and personally owned firearms may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.5.2 STORAGE AT HOME

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

312.5.3 ALCOHOL AND DRUGS

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

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312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty should attend quarterly scheduled firearms training with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least annually. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

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

312.7 FIREARM DISCHARGE

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

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

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

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

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312.7.1 DESTRUCTION OF ANIMALS

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

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

312.7.2 INJURED ANIMALS

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

312.7.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

312.8 RANGEMASTER DUTIES

The range will be under the exclusive control of a certified Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

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

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

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

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312.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Medford Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Medford Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the Medford Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

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312.10 CARRYING FIREARMS OUT OF STATE

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

(a) Theofficer shall carry his/her Medford Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

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

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

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

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

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Reserve Officers

313.1 PURPOSE AND SCOPE

Medford Police Department employs reserve officers, per OAR 259-008-0005 and ORS 133.005 (4), to conduct photo radar enforcement, pursuant to Oregon Revised Statutes 810,438-439. Reserve officers are under the supervision of the Special Services Sergeant.

PROCEDURES

- 313.01 Photo Radar Van Lock Box Procedures See attachment: 313.01 PRO Photo Radar Van Lock Box Procedures.pdf
- 313.02 Photo Enforcement Program Firearm Check-Out/Check-In Procedure See attachment: 313.02 PRO Photo Enforcement Program Firearm Check Out Check In Procedure.pdf

313.2 TRAINING AND CERTIFICATION REQUIREMENTS

Reserve officers shall maintain training and certification requirements pursuant to Medford Police Department standards and specificied training for reserve officers.The minimum required training consists of the following:

- Annual Ethics Training
- Annual Blood Borne Pathogens Training
- Annual HAZMAT Training
- Annual K9 Use of Force Classroom Training
- Annual Use of Force Review Classroom Training
- Annual OC Recertification Training
- First Aid/CPR/AED (Re)certification
- Annual Firearms Qualification
- Annual Driving Training
- Job Specific Daily Training Bulletins
- Traffic Updates and Annual Traffic Accident Report Review
- Annual MILO training
- Bias-Based Policing Training
- Any additional training as deemed appropriate by the Special Services Sergeant

313.3 DUTY WEAPON STORAGE AND HANDLING IN PHOTO RADAR VANS

Reserve officers shall be armed while conducting photo radar van operations.A department issued Glock model 17 handgun with two fully loaded magazines will be assigned to each radar van.

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The handgun shall be stored with a full magazine inserted with one chambered round in a secure lockbox mounted in each radar van.

Reserve officers shall place the loaded department issued handgun in a department issued holster and the second fully loaded magazine in a department magazine holder on their person anytime they are conducting photo radar van operations. The handgun and the fully loaded magazines shall be returned to the secure lockbox at the conclusion of the shift.

At the beginning and end of each shift the reserve office shall verify the handgun is accounted for in the secure lockbox.

313.4 DUTY WEAPON STORAGE AND HANDLING FOR COURTROOM USE

Reserve officers shall be armed when summoned to appear in court to testify as required by their official position. A department issued Glock model 17 handgun with two fully loaded magazines will be assigned to a safe located in the MPD Armory for the reserve officer to check out for courtroom appearances.

The handgun shall be stored with a full magazine inserted with one chambered round while the Glock model 17 is in the safe.

When summoned to appear for court the reserve officer will remove the department issued handgun from the safe and place it in their department issued holster along with the fully loaded magazines. The reserve officer will check-out the handgun on the Photo Enforcement Program Firearm Check-In/Check-Out sheet.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

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

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

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

PROCEDURES:

- 314.01 PRO Initiating Vehicle Pursuits See attachment: 314.01 PRO Initiating Vehicle Pursuits.pdf
- 314.02 PRO Pursuit Intervention Technique (PIT) See attachment: 314.02 PRO Pursuit Intervention Technique.pdf
- 314.03 PRO Deploying Spike Strips See attachment: 314.03 PRO Deploying Spike Strips.pdf

314.1.1 POLICE PURSUIT DEFINED

(a) **MARKED POLICE VEHICLE** -- Police patrol vehicles that are clearly identifiable from a visible distance with distinctive blue and white coloration, "POLICE" decals on each side, and equipped with exterior overhead emergency lights and siren.

(b) **UNMARKED POLICE VEHICLE** -- All other police vehicles equipped with / or without interior --mount emergency lights and siren.

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314.2 OFFICER RESPONSIBILITIES

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

314.2.1 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:

(a) The suspect is known to have or reasonably suspected to have committed a felony against a person, or is attempting to commit a felony against a person; or

(b) Whenever the necessity of an immediate apprehension in the case of a misdemeanor or other felony committed against a person outweighs the level of danger created by the pursuit.

No officer shall engage in a high-risk vehicle pursuit for minor traffic violations or violations of Medford Municipal Code.

Scrutiny and review of justification for pursuit will be based on the totality of circumstances ***before*** the officer initiates action to stop the vehicle. High-speed pursuit should be avoided whenever possible or when an alternative method of apprehension is available.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in Policy Manual § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

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(b) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) Hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Immediately, if so directed by a supervisor.

314.2.3 SPEED LIMITS

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

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

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

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

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

314.2.4 VEHICLE PURSUIT DECISION FACTORS

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

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety;

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

(c) 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) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time;

(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;

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(f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit;

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect;

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

(i) The emergency equipment present on the vehicles used in the pursuit;

(j) Vehicle speeds;

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

(l) Availability of other resources; and

(m) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

314.3 PURSUIT UNITS

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

314.3.1 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.

314.3.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

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

314.3.3 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

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vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to themselves or other persons.

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

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

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

(e) Number of known occupants.

(f) The identity or description of the known occupants.

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

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

314.3.4 SECONDARY UNITS RESPONSIBILITIES

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit

(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

314.3.5 PURSUIT DRIVING TACTICS

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

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

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

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2. Pursuing units should exercise due caution when proceeding through controlled intersections.

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

1. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
2. Requesting other units to observe exits available to the suspect(s).
3. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.

(d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor.

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

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

314.3.7 PURSUIT TRAILING

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

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.3.8 MANDATORY VEHICLE INSPECTIONS FOLLOWING PURSUITS

At the conclusion of any vehicle pursuit, all involved pursuing police vehicles shall be taken out-of-service as soon as practicable and inspected by a certified auto mechanic. Appropriate repairs shall be made prior to the vehicle being placed back into general patrol service. Such inspections shall include:

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(a) Brakes;

(b) Steering;

(c) Lighting and emergency lights;

(d) Body and structural damage; and

(e) Other repairs as appropriate.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage MPD units when a pursuit enters another jurisdiction.

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

314.4.1 WATCH COMMANDER RESPONSIBILITY

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

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

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314.5 ECSO

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

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

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

(b) Coordinate pursuit communications of the involved units and personnel.

(c) Notify and coordinate with other involved or affected agencies as practical.

(d) Ensure that a field supervisor is notified of the pursuit.

(e) Assign an incident number and log all pursuit activities.

(f) Broadcast pursuit updates as well as other pertinent information as necessary.

(g) Notify the Watch Commander as soon as practical.

314.5.2 LOSS OF PURSUED VEHICLE

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

No officer shall be reprimanded or disciplined for choosing to discontinue a vehicle pursuit.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

MPD officers engaged in a vehicle pursuit entering another jurisdiction outside of the City of Medford shall obey terms of the Jackson County Inter-Agency Pursuit Agreement, found in the Cooperative Policing Agreement, Appendix 4.

Officers from other police agencies engaged in a vehicle pursuit that enters the Medford city limits are bound by terms of the Cooperative Policing Plan.

MPD watch commanders are authorized to terminate any vehicle pursuit within the Medford city limits by policy and the Jackson County Inter-Agency Pursuit Agreement under the Cooperative Policing Plan.

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

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314.7 PURSUIT INTERVENTION

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

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

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

314.7.2 DEFINITIONS

(a) **Blocking or Vehicle Intercept** - A very low speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a slow moving or stopped suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block. MEDFORD POLICE DEPARTMENT DOES NOT AUTHORIZE BLOCKING OR VEHICLE INTERCEPT AS METHODS OF TERMINATING VEHICLE PURSUITS.

(b) **Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. MEDFORD POLICE DEPARTMENT DOES NOT AUTHORIZE BOXING-IN AS A METHOD OF TERMINATING VEHICLE PURSUITS.

(c) **Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. MEDFORD POLICE DEPARTMENT DOES NOT AUTHORIZE RAMMING AS A METHOD OF TERMINATING VEHICLE PURSUITS.

(d) **Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle. This tactic is also often referred to as a roadblock, barricade or blockade.MEDFORD POLICE DEPARTMENT DOES NOT AUTHORIZE ROADBLOCKS AS A METHOD OF TERMINATING VEHICLE PURSUITS.

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

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

314.7.3 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.

314.7.4 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.officers officers officers

(a) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(b) 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 vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. If the pursued vehicle is a motorcycle, spike strips should not be used, unless deadly force is justifed

(c) Officers shall not utilize blocking, vehicle intercept, boxing-in, ramming, or roadblocks as a means of terminating a vehicle pursuit.

(d)

314.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

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

314.7.6 ROADBLOCKS

Medford Police Department does not implement nor participate in roadblocks as a means to stop a fleeing vehicle under any circumstances.

"Roadblock" is defined as blocking the roadway using vehicles or other solid objects for purposes of physically terminating vehicle pursuits or other suspect apprehension.

Street closures due to accidents, parades, emergency conditions, etc. are not considered roadblocks in this context.

314.8 REPORTING REQUIREMENTS

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

(a) The primary officer shall complete appropriate crime/arrest reports prior to end-of-watch.

(b) A field supervisor shall complete a Guardian Tracking report prior to end-of-watch and forward up the chain of command.

(c) The crime/arrest report and Guardian Tracking report should include:

1. Date, time and temporal length of the pursuit;
2. Geographic length of the pursuit, including starting and termination points;
3. List of involved units and officers, including officers from outside agencies;
4. List of involved patrol vehicles, which should be taken out-of-service for necessary brake and equipment inspections;
5. Initial reason for the pursuit, prior to activation of overhead lights;
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable;
7. Injuries and / or property damage;
8. Medical treatment;
9. Name of supervisor at scene;
10. A preliminary determination, simply stating whether or not the pursuit appears to be within policy compliance;
11. Issues of possible necessary changes to policy, tactics, training and equipment needs; and
12. Determine need for additional review or follow up.

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Guardian Tracking or other pursuit critiques shall be forwarded to the Administrative Sergeant for filing and kept separate from all related incident and arrest reports and shall not be entered into the Records Imaging system.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

314.8.2 POLICY REVIEW

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

314.8.3 ANNUAL REVIEW

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

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

PROCEDURES:

- 316.01 PRO Responding to Robbery Alarms See attachment: 316.01 PRO Responding to Robbery Alarms.pdf
- 316.02 PRO Responding to Burglary Alarms See attachment: 316.02 PRO Responding to Burglary Alarms.pdf

316.1.1 DEFINITIONS

(a) **EMERGENCY RESPONSE** -- Situations justifying emergency response include, but are not limited to:

1. Officer needs assistance;
2. Life-threatening emergencies;
3. Violent crimes in progress; and
4. Vehicle pursuits.

(b) **IMMEDIATE RESPONSE** -- Situation justifying immediate response include, but are not limited to:

1. Crimes in progress;
2. Disturbance calls;
3. Non-injury traffic accidents;
4. Officer requesting back-up;
5. Calls involving a pending arrest;
6. Urgent situation where use of emergency lights and / or siren may be detrimental to the apprehension of the violator; and
7. Any other non-life-threatening situation where a prompt response is necessary.

(c) **OVERTAKING VIOLATORS** -- Officers may overtake violators in compliance with ORS 820.300. However, in doing so officers shall drive with due regard for the safety of all persons and must weigh risk versus benefit at all times.

(d) **PURSUIT DRIVING** -- Pursuit driving involves the pursuit and apprehension of fleeing violators who are attempting to avoid arrest as demonstrated by evasive driving tactics.

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(e) **ROUTINE REPONSE** -- Normal or routine vehicle operation that is consistent with the normal flow of traffic; obedience to all vehicle laws under Oregon Revised Statutes; and adherence to reasonably acceptable common courtesy and rules of the road where response time is not a factor.

316.2 RESPONSE TO CALLS

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

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

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

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

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

(a) Situations justifying emergency response include, but are not limited to:

1. Officer needs assistance;
2. Life-threatening emergencies;
3. Violent crimes in progress; and
4. Vehicle Pursuits.

(b) Officers should adhere to the following guidelines in any emergency response:

1. Officers shall broadcast over the radio that they are responding "Code 3" prior to any emergency response;
2. Officers should not exceed twice the posted speed limit for the roadway they are driving on;
3. When the posted speed limit is 45 mph or greater, no emergency response should exceed 85 mph (this also applies to unposted 55 mph roadways);

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4. During an emergency response, an officer exceeding the speed guidelines shall immediately broadcast his speed and purpose over the involved radio frequency; and
5. Supervisors shall monitor radio traffic and may direct the responding officer to reduce speed when the supervisor believes the risks are not merited.

Officers' decisions in emergency responses are based on those guidelines, coupled with road, weather, distance, traffic, and the necessity for expedient response.

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

(a) The unit number,

(b) The location,

(c) The reason for the request and type of emergency, and

(d) The number of units required to rapidly regain control of the situation.

316.3.1 NUMBER OF UNITS ASSIGNED

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

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify ECSO. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, ECSO shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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and siren at the legal speed limit. In such an event, the officer should immediately notify ECSO. An officer shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 COMMUNICATIONS RESPONSIBILITIES

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

(a) Attempt to assign the closest available unit to the location requiring assistance;

(b) Immediately notify the Watch Commander;

(c) Confirm the location from which the unit is responding;

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance);

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated; and

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor.

316.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated;

(b) No more than those units reasonably necessary under the circumstances are involved in the response; and

(c) Affected outside jurisdictions are being notified as practical.

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

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

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call;

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- The necessity of a timely response;
- Traffic and roadway conditions; and
- The location of the responding units.

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

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High Risk Vehicle Stops

317.1 PURPOSE AND SCOPE

This policy will establish this Department's use of high risk vehicle stop techniques.

317.1.1 POLICY

Medford Police Department conducts high-risk vehicle stops on vehicles that are driven by individuals believed to be armed or potentially armed, or believed to be dangerous to officers and / or the public where such tactics are justifiable, pursuant to Oregon Revised Statutes 810.410 (3f.).

Techniques for procedures are developed to minimize the threat to the officers and the public and to maximize safety for the officers, the public and the vehicle occupants, themselves.

317.2 HIGH RISK STOP TRAINING

Medford Police Department trains all field personnel annually on procedures involving high risk vehicle stops.

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Canines

318.1 PURPOSE AND SCOPE

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

318.1.1 DEFINITIONS

(a) **AGITATOR** -- A trained officer who assists the Canine Team during training and deployments.

(b) **CANINE** -- Refers to both police service and narcotics detection dogs.

(c) **CANINE TEAM** -- Both the canine and the assigned handler.

(d) **CRIME OF VIOLENCE** -- An offense that has the use, attempted use or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense (Title 18 USC Section 16).

(e) **HANDLER** -- The officer to whom the canine is assigned.

(f) **PROGRAM SUPERVISOR** -- Assigned supervisor who is responsible for overall training, care and service readiness of the canine teams.

(g) **SERIOUS OFFENSE** -- (1) any "person crime felony" or felony which under the circumstances creates a risk to both the arresting officer(s) and/or public; (2) any crime of violence, as defined in section 16 of title 18 of the United States Code; or (3) any crime of reckless driving involving a felony hit/run or driving while under the influence of alcohol or prohibited substances if such crime involves personal injury to another. (8 USCS § 1101); Lara-Cazares v. Gonzales, 408 F.3d 1217, 1221-1222 (9th Cir. 2005)

318.1.2 USE OF CANINE TEAMS

Canine teams may be used under the following circumstances:

(a) Searching buildings and open areas for suspects when the officer has reasonable cause to believe the person has committed a serious offense, a threat of violence or has a previous history of violence, and the use of that level of force is appropriate. Under such circumstances, a verbal warning should precede the use of the police canine, where feasible;

(b) To stop the flight of a fleeing suspect whenever the officer has reasonable cause to believe the person has committed a serious offense, a threat of violence or has a history of violence, and the use of that level of force is appropriate; In all cases

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employed to accomplish a legitimate tactical objective. Under such circumstances, a verbal warning should precede the use of the police canine, where feasible;

(c) In defense of an officer or persons who may be in immediate danger and / or where lesser force would be ineffective;

(d) Searching for physical evidence;

(e) Searching for outstanding suspects and lost or missing persons;

(f) To clear vehicles in high-risk situations;

(g) To search for narcotics in conjunction with a valid search warrant or consent search or whenever probable cause exists to search for narcotics / dangerous drugs pursuant to current search and rescue laws;

(h) Presentations and demonstrations to the public;

(i) Supportive services to other police agencies pursuant to the Jackson County Cooperative Policing Plan; and

(j) Other unspecified support services to the Department.

318.2 POLICY

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

318.2.1 INCAPACITATED CANINE OFFICER PROCEDURES

In the event a handler becomes injured, unconscious or otherwise incapacitated, one or more of the following steps should be followed to aid the handler:

(a) Officers should attempt to secure the canine prior to approaching the injured handler, except in an emergency;

(b) Another handler or person familiar with canine training should be summoned immediately to the scene to assist;

(c) The training bite sleeve should be obtained from the handler's patrol vehicle to entice the canine to a secure location away from the handler--possibly to the canine patrol vehicle;or

(d) Contact Jackson County Animal Control to assist.

318.2.2 PROHIBITED USE OF THE CANINE

The canine shall not be used for:

(a) Searching for animals;

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(b) Escorting prisoners into any jail facility; or

(c) Any situation where the use-of-force is inappropriate.

Patrol dog teams may not transport persons in-custody, except in emergencies or with Watch Commander or Program Supervisor approval.

318.2.3 REQUIREMENTS OF OTHER ASSISTING OFFICERS
Department members shall:

(a) Respond to instructions given by the handler at a crime scene or incident where the canine is deployed;

(b) Not attempt to pet, or otherwise become friendly with a canine without the consent of the handler, or the handler being present;

(c) Not attempt to tease, harass, give commands, entice into disobeying the handler's commands, or engage in any tumultous behavior in the presence of a coanine;

(d) Be cautioned on attempting to apprehend a fleeing suspect where a canine has been deployed;

(e) Avoid entering an area where a canine is to be deployed to conduct a search, but instead maintain a secure perimeter; and

(f) Remain following behind the canine and handler while pursuing any suspect fleeing on foot and to not approach a stopped suspect only at the direction of the handler.

318.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander 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. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

318.4 CANINE COORDINATOR

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

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

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(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.5 REQUESTS FOR CANINE TEAMS

Patrol Bureau members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Bureau shall be reviewed by the Watch Commander.

318.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the 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) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

318.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator 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 coordinator.

318.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

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(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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

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

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

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

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

318.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

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

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

318.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

318.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

If the local public health administrator has exempted this department from the requirement to hold the canine after a bite, the canine handler shall notify the local public health administrator immediately should the canine develop any abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

318.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions

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and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

318.7.1 ARTICLE DETECTION

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

318.7.2 NARCOTICS DETECTION

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

318.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Medford City limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

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318.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Medford Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) 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 coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) 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.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(j) 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 coordinator or Watch Commander.

(k) 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 coordinator so that appropriate arrangements can be made.

(l) Handlers should not tether a canine in a manner that would violate ORS 167.325(1); ORS 167.330(1); and/or ORS 167.343.

318.9.1 CANINE IN PUBLIC AREAS

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

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(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.10 ANNUAL REPORT

The Canine Program Supervisor shall submit an annual report to the Chief of Police via chain-of-command, which includes the following:

(a) Statistical reports from each canine team that include:

1. Number of deployments;
2. Suspect captures;
3. Bites;
4. Evidence located;
5. Assists to MPD officers;
6. Assists to outside agencies;
7. Call-outs from off-duty; and
8. Public demonstrations.

(b) Statistical reports from each canine team trained in narcotics detection that include:

1. Total quantities for each type of narcotics located and seized;
2. Any cash seized; and
3. Administrative searches (i.e., schools, airport, etc.).

(c) An evaluation of the performance of each canine team and assigned agitators;

(d) An assessment of the vehicles assigned to canine teams;

(e) An assessment of kennel conditions;

(f) Future training and equipment needs; and

(g) Future events, goals and planning.

318.11 CANINE INJURY AND MEDICAL CARE

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

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

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

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

318.12.1 CONTINUED TRAINING

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

(a) Canine teams should receive training as defined in the current contract with the Medford Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or the Watch Commander.

318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

318.12.3 TRAINING RECORDS

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

318.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training

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purposes must comply with federal and state requirements. Alternatively, the Medford Police Department may work with outside trainers with the applicable licenses or permits.

318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Medford Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

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

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

318.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

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Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

PROCEDURE:

- 320.01 PRO Responding to Domestic Violence Cases See attachment: 320.01 PRO Responding to Domestic Violence Cases.pdf

REFERENCE:

- 320.02 REF Federal Firearms Prohibitions in Domestic Violence Cases See attachment: 320.02 REF Federal Firearms Prohibitions--DV Cases.pdf

320.1.1 DEFINITIONS

The Medford Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Department of Public Safety Standards and Training and the Jackson County Council Against Domestic and Sexual Violence Protocol, which is found in the Jackson County Cooperative Policing Plan, Appendix 15.

The following definitions apply to this policy:

(a) **Abuse** - the occurrence of one or more of the following acts between family or household members:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury;
2. Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury; and
3. Causing another to engage in involuntary sexual relations by force or threat of force.

(b) **Child** - an unmarried person who is under 18 years of age.

(c) **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.

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(d) **Domestic Violence** - is abuse committed between family or household members.

(e) **Employee** - Means any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

(f) **Family or Household Members** - Of which include:

1. Spouses and former spouses;
2. Adult persons related by blood, marriage, or adoption;
3. Persons who are cohabiting or who have cohabited with each other;
4. Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a FAPA petition under Oregon Revised Statutes 107.710; and
5. Unmarried parents of a child.

(g) **Interfere** - to interpose in a manner that would reasonably be expected to hinder or impede a person in the victim's situation.

(h) **Intimidate** - to act in a manner that would reasonably be expected to threaten a person in the victim's situation, thereby compelling or deterring conduct on the part of the person.

(i) **Law Enforcement Agency** - Means any federal, state, county, or local criminal justice agency employing persons who have peace officer powers per state statute.

(j) **Menace** - To act in a manner that would reasonably be expected to threaten a person in the victim's situation.

(k) **Molest** - To act, with hostile intent or injurious effect, in a manner that would reasonably be expected to annoy, disturb or persecute a person in the victim's position.

(l) **Peace Officer** - Any Sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, investigator of the Criminal Justice Division of the Department of Justice or investigator of a district attorney's office and such other persons as may be designated by law.

(m) **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.

320.2 POLICY

The Medford 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

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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.

320.3 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.

320.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

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

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation 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 related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

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

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reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

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

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

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(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

320.6 DISPATCH ASSISTANCE

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

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

320.7 FOREIGN COURT ORDERS

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

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a

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violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

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

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

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

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

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

320.8.1 SERVICE OF COURT ORDERS

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

320.8.2 RETURN OF FIREARMS

Weapons taken into custody for safekeeping under §320.8 will be returned to the lawful owner following the 30-day waiting period unless the seizing officer or the assigned detective has placed a hold on the weapons pending judicial review. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Property personnel shall conduct the background checklist to ensure the person receiving the weapons is in fact eligible to legally possess them. Upon successful completion of the background checklist by Property personnel, the weapons shall be returned to the owner.

Such background investigation shall include:

(a) District Attorney's disposition;

(b) Municipal Court disposition;

(c) LEDS (wants / corrections client);

(d) NCIC wants;

(e) Driving record;

(f) FBI;

(g) CCH;

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(h) Mental Health check; and

(i) Supervisor's approval.

320.8.3 SERVICE OF EMERGENCY PROTECTIVE ORDERS

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

The officer who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

320.9 STANDARDS FOR ARREST

(a) Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 107.705, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).

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

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

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

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

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320.10 REPORTS AND NOTIFICATIONS

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

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

320.10.1 EMERGENCY PROTECTIVE ORDERS

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

320.11 ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

A designated Criminal Investigations Division supervisor shall review daily all domestic violence cases from the previous 24 hours, or on the first business day following a weekend and / or holiday.

If the case has been assigned to a CIS Detective for follow-up, the Detective shall accompany the Domestic Violence Advocate in making in-person contact with the victim(s). Such interview shall occur within the 24 hours following police receiving notification of the event, which involves an arrest or pending arrest, or on the first day following a weekend and / or holiday.

If the case has not been assigned to a CIS Detective, the Criminal Investigations Division supervisor shall contact the daywatch Watch Commander or other supervisor to arrange for a uniformed officer to accompany the Domestic Violence Advocate to make in-person contact with the victim(s) of the domestic violence event. This also shall occur with the 24 hour time frame following the domestic violence event, or as soon as the Domestic Violence Advocate is available to respond for such interview.

The accompanying officer shall:

(a) Conduct follow-up interviews with the victim(s);

(b) Collect any relevant physical evidence associated with the domestic violence event or other crimes;

(c) Photograph any injuries or other evidence involving the victim(s); and

(d) Complete a continuation report on the above actions.

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Search and Seizure

322.1 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 Medford Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

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

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

REFERENCES:

- 322.01 REF Miranda Warnings See attachment: 322.01 REF Miranda Warnings.pdf

322.3 SEARCHES

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

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

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

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

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

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

322.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

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

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

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Raid Planning

323.1 PURPOSE AND SCOPE

Officers shall prepare a structured raid plan, if possible prior to conducting a forced entry into a structure to:

(a) Rescue a person held as a hostage;

(b) Serve a search or arrest warrant; or

(c) Conduct an entry where on any occasion where an armed confrontation or other officer safety consideration may be expected upon entry.

Any raid plan shall have officer safety as the highest consideration and shall have uniformed officer(s) involved on-scene in the plan.

All officers on the scene of a raid shall be wearing Department-issued soft body armor or other tactical ballistic vest.

PROCEDURES:

- 323.01 PRO Conducting a Raid See attachment: 323.01 PRO Conducting a Raid.pdf

FORMS:

- 323.02 FRM Tactical Operations Plan See attachment: 323.02 FRM Tactical Operations Plan.pdf

323.2 CRITIQUE

A critique of the raid should be conducted soon after completion of the raid detail and should include all involved personnel.

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Temporary Custody of Juveniles

324.1 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 Medford Police Department (34 USC § 11133).

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes a juvenile taken into protective custody pursuant to a court order or without an order when there is reasonable cause to believe that (ORS 419B.150; ORS 419B.152):

(a) An imminent threat of severe harm to the child exists.

(b) The child poses an imminent threat of severe harm to self or others.

(c) An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists.

(d) The child has run away from home.

This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Medford 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 Medford 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 into the Medford Police Department (ORS 419B.160; ORS 419C.130).

324.4.1 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 Medford Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (ORS 419B.165; ORS 419B.168; ORS 419B.152). Juvenile non-offenders may not be held in secure custody (34 USC § 11133; ORS 419B.160).

Prior to releasing a non-offender to the noncustodial parent, officers shall run a criminal records check on the noncustodial parent and any adults in the same home as the noncustodial parent (ORS 419B.165).

324.4.2 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).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Generally, a juvenile offender may be taken into custody:

(a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).

(b) When there is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080).

(c) When, if the juvenile were an adult, he/she could be arrested without a warrant (ORS 419C.080).

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An officer shall take a juvenile into custody when the officer has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

Generally, an officer may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).

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

324.4.4 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

(a) The court has issued a warrant of arrest for the juvenile.

(b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

(c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

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

324.4.5 PARENT OR GUARDIAN NOTIFICATION

The investigating officer shall notify a parent or guardian by phone or mail promptly upon charging a juvenile with a criminal offense or violation. In the case of a status offense charge, notification by mail is sufficient.

Notification of parent or guardian details shall be documented in the appropriate incident or crime report.

324.4.6 PHOTOGRAPHING AND FINGERPRINTING JUVENILES

Juveniles taken into protective custody may be photographed and fingerprinted pursuant to Oregon Revised Statutes 419A.250.

Photographs and fingerprints of juveniles shall be retained in file with the case for which they were obtained. They shall be destroyed upon final disposition of the case.

Juvenile photographs and fingerprints shall not be disclosed to any person outside of Medford Police Department without a legal right to obtain such information. Inquiries for disclosure of photographs and / or fingerprints shall be referred to the Juvenile Department.

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324.5 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

324.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Medford Police Department.

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

324.7 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 Medford 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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324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Medford 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 Medford Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Medford Police Department more than five hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

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324.9 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 Medford Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

324.10 PERSONAL PROPERTY

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

324.11 SECURE CUSTODY

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

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

Members of this department 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.

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324.11.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.

(b) Juveniles shall have constant auditory access to department 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.

324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Medford 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 prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

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

(a) Pursuant to a search warrant.

(b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.

(c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.

(d) By order of the juvenile court.

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

324.15 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.

324.16 TRAINING

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

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Interview Rooms and Temporary Detention

325.1 PURPOSE AND SCOPE

Officers may utilize the Department's interview rooms for private interviews of victims, witnesses, suspects (custodial and non-custodial) and other persons.

There is an Intoxilyzer 8000 machine is located in the processing area for use in DUII investigations.

PROCEDURES:

- 325.01 PRO Processing Area and Interview Rooms

FORMS:

- 325.02 FRM Interview Room Log

The interview rooms are located on the second floor of the Police Department. There are three custodial interview rooms #231-233 and a DUII testing room #234, located in the processing area. There are two holding cells #229 and #230, located in the processing area that can be used for securing persons in the temporary custody or awaiting interviews.

There are also three non-custodial interview rooms # 246-248, located adjacent to the CID waiting room.

The interview rooms and holding cells are equipped with audio-visual equipment. Officers may record interviews of any persons in all interview rooms. Officers shall notify persons being interviewed that the interview is being recorded prior to any questioning.

There are television monitors which broadcast a live video feed of the custodial interview rooms and holding cells located in the sergeants' office and patrol report writing room.

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Adult Abuse

326.1 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 Medford Police Department members as required by law.

326.1.1 DEFINITIONS

Definitions related to this policy include:

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

326.2 POLICY

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

326.3 MANDATORY NOTIFICATION

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

(a) An elderly adult, age 65 years or older (ORS 124.060)

(b) An adult with mental illness or developmental disabilities (ORS 430.765)

(c) A resident of a long-term care facility (ORS 441.640)

(d) An adult (18 years or older) who is receiving services for a substance use disorder or a mental illness in a state hospital or facility (as defined by ORS 430.735) (ORS 430.765).

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

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

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

(a) A developmental disability who is currently receiving services from a community mental health or developmental disabilities program or facility, as defined by ORS 430.735, or who was previously determined eligible for services as an adult.

(b) A severe and persistent mental illness who is receiving mental health treatment from any such community program or facility.

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

(a) All notifications to DHS shall be made as soon as practicable by telephone.

(b) Information provided to DHS shall include, if known:

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

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

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

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

(e) In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).

(f) Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

326.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

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

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

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

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

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

326.5 INVESTIGATIONS AND REPORTING

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

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

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

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

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

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

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

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

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

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

(h) Previous addresses of the victim and suspect.

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

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

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

326.6 PROTECTIVE CUSTODY

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

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

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

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

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

326.6.1 DHS ASSISTANCE

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

326.7 INTERVIEWS

326.7.1 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.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

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

326.8 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.

326.9 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.

326.9.1 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 community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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

326.9.2 OFFICER RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Division supervisor so an interagency response can begin.

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326.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

326.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

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

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

326.10.2 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).

326.11 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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Discriminatory Harassment

328.1 PURPOSE AND SCOPE

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

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

328.2 POLICY

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

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

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law (ORS 659A.030; ORS 659A.082; ORS 659A.112).

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

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

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328.3.2 SEXUAL HARASSMENT

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

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

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 RETALIATION

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

328.4 RESPONSIBILITIES

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

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

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

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

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

328.4.1 SUPERVISOR RESPONSIBILITIES

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

1. Unless a member objects in writing, a supervisor designated by the Chief of Police shall follow up with a member once every three months for a year following the date on which the member reported the incident to determine whether the alleged harassment has stopped or if the member has experienced retaliation (ORS 243.321).

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

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328.4.3 QUESTIONS OR CLARIFICATION

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

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

328.5.1 SUPERVISOR RESOLUTION

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

328.5.2 FORMAL INVESTIGATION

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

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

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

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

328.5.3 ALTERNATIVE COMPLAINT PROCESS

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

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328.6 DOCUMENTATION OF COMPLAINTS

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

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

328.6.1 NOTIFICATION OF DISPOSITION

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

328.7 TRAINING

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

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

328.8 ADDITIONAL REQUIREMENTS

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

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

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

(a) Administrative complaints regarding federal discrimination claims must be filed within 300 days of the alleged unlawful employment practice (42 USC §2000e-5(e)(1)).

(b) Administrative complaints regarding state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.820(3)).

(c) A civil lawsuit alleging state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.875).

(d) A civil lawsuit alleging federal discrimination claims must be filed within 90 days of the receipt of a right to sue letter from the Bureau of Labor and Industries and/or the EEOC (42 USC §2000e-16(c)).

(e) The statute of limitations periods for crimes related to sexual harassment vary from two to 12 years.

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(f) Claims made against the Medford Police Department require advance notice pursuant to ORS 30.275 (ORS 243.319).

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

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

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

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Child Abuse

330.1 PURPOSE AND SCOPE

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

330.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

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

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

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

330.3.1 NOTIFICATION PROCEDURE

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

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

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

(c) Notification, when possible, should include:

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

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

330.3.2 JUVENILE INTERVIEWS IN SCHOOLS

Any juvenile student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provided comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

Prior to interviewing a student while attending school, the investigating officer shall contact a school administrator (Principal, Assistant Principal or Dean) and present circumstances that necessitate interview during school hours and obtain consent from the school official to conduct the interview.

330.4 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.

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(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).

330.5 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.

(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).

330.5.1 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 caused to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in ORS 419B.028.

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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 later (ORS 419B.028(2)).

(c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician.

330.5.2 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 and not to investigations or interviews of a person suspected of having committed the abuse (ORS 419B.045).

330.6 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

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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

330.6.1 NOTICE TO PARENTS

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

(a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day.

(b) Advise the reason the child has been taken into custody.

(c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

330.6.2 SAFE HAVEN PROVISION

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

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

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

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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.

330.8 MEDICAL EXAMINATIONS

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

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

330.8.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE

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

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 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 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.

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330.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Division supervisor so an interagency response can begin.

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

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

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

330.10.2 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).

330.10.3 CHILD FATALITY REVIEW TEAMS
This department should cooperate with any child fatality review team and investigation (ORS 418.785).

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

- Founded
- Unfounded
- Undetermined

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

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(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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Child Placement

331.1 PURPOSE AND SCOPE

Medford Police Department may remove a child or multiple children from a residence or custodial situation as a result of neglect, abuse, sexual abuse or other reason, where it would be in the best interest of the child to do so, pursuant to ORS 133.033 (Community Caretaking Function). The officer may select one or more of the following options most suitable for the situation:

(a) Informal placement of the child (or children) with competent and trustworthy relatives (following mandatory criminal record checks of persons 18 years of age or older);

(b) Securing the suspected offender's agreement to temporarily move out of the residence; or

(c) Formal placement in a State or Oregon Department of Human Services approved foster care facility.

PROCEDURES:

- 331.01 PRO Child Placement See attachment: 331.01 PRO Child Placement.pdf
- 331.02 PRO Newborns--Safe Place See attachment: 331.02 PRO Newborns--Safe Place.pdf

FORMS:

- 331.03 FRM Child Placement Form See attachment: 331.03 FRM Child Placemt Form.pdf

331.2 NEWBORNS--SAFE PLACE

Medford Police Department shall accept custody of any newborn infant under ORS 418.017 if the infant:

(a) Is 30 days of age or younger as determined to a reasonable degree of medical certainty; and

(b) Has no evidence of abuse.

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Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
9. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320).
10. A victim of first- or second-degree custodial interference or kidnapping (ORS 181A.310).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Oregon Law Enforcement Data System (LEDS) and the Oregon State Police Missing Children Clearinghouse.

332.2 POLICY

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

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otherwise. The Medford 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.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Division Supervisor shall ensure the following forms and kits are developed and available:

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

332.4 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.

332.5 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.5.1 RECOVERED MISSING JUVENILES

All recovered or returned missing juveniles shall be interviewed in-person as soon as possible by a Police Officer to determine the cause of his / her disappearance. As a result of the interview, the officer may take action in the best interest in protection of the child.

332.6 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.

332.6.1 SUPERVISOR RESPONSIBILITIES

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

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Division.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

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(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

332.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigation 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).

332.7 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 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

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(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).

332.8 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) Notification is made to the Oregon State Police.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the Oregon State Police.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

(f) All information and materials obtained for the purpose of identifying the missing person are destroyed if the person is found, or sealed if the person is found to be no longer living (ORS 146.189(2)).

332.8.1 UNIDENTIFIED PERSONS

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

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(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

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

332.9 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 returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Medford 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.

332.10 TRAINING

Subject to available resources, the Training Coordinator should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

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(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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

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Public Alerts

334.1 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.

PROCEDURES:

- 334.01 PRO Responding to Amber Alert Cases
- 334.04 PRO A Child is Missing Program

FORMS:

- 334.02 FRM Amber Alert Checklist
- 334.03 FRM Emergency Alert System -- Amber Alert Message

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Medford 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 or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

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

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Cancelling alerts

(c) Ensuring all appropriate reports are completed

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(d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

334.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

334.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

(a) There is confirmation that a child abduction has occurred.

(b) The child is under 18 years of age.

(c) The child may be in danger of serious bodily harm or death.

(d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.

(e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

334.4.2 PROCEDURE

The AMBER Alert Web Portal is used to post the appropriate alert information.

Prior to posting the AMBER Alert message, consideration should be given to ensuring adequate staffing for the tip line, 9-1-1 lines and any media line. AMBER Alerts generate significant public and media interest. It is likely that a high volume of calls from the public and media will be received. Reassigning personnel from other units or requesting mutual aid from other agencies should be considered.

(a) The Press Information Officer, Watch Commander or Criminal Investigations Supervisor should consider whether to prepare a press release that includes all available information that might aid in locating the child, such as:

1. The child's identity, age, physical and clothing description, including any distinguishing characteristics.
2. Photograph, if available.
3. The location where the abduction occurred or where the child was last seen.
4. The suspect's identity, age, physical and clothing description, if known.
5. Pertinent vehicle license number and description, if known.

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6. Detail regarding direction of travel and potential destinations, if known.
7. Contact information for the Press Information Officer or other authorized individual to handle media liaison.
8. A telephone number for the public to call with leads or information.

(b) Information on the abducted child, suspect vehicle and suspect should be entered into the Law Enforcement Data System (LEDS) and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, must be entered into the NCIC system in order to trigger the resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.

(c) The Records Division will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert."

(d) The information in the press release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.

(e) Consideration should be given to whether to utilize the following resources:

1. Federal Bureau of Investigation (FBI Local Office)
2. National Center for Missing and Exploited Children 800-843-5678

The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the Oregon State Police Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.

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Victim and Witness Assistance

336.1 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.

336.1.1 VICTIM ADVOCATE

Medford Police Department employs a full-time Victim Advocate to address needs for victims of:

(a) Domestic violence;

(b) Sexual assault; and

(c) Stalking Orders.

This position is provided through a grant from the STOP Violence Against Women Formula Grant Program obtained by Community Works. The advocate is an employee of Community Works, although maintains an office at Medford Police Department in Criminal Investigations Division. The advocate works with other community sources and organizations to provide support and advocacy for crime victims developed through contact by the Medford Police Department. The program will emphasize services to the Hispanic community. A designated Criminal Investigations Division supervisor oversees the advocate's activities while at Medford Police Department, although the advocate is directly supervised by a Community Works supervisor. The advocate shall be subject to all applicable Department policies & procedures as any other employee. The advocate shall notify a supervisor as soon as possible in the event of a conflict of policy or procedure between Medford Police Department and Community Works. Prior to employment within Medford Police Department, the advocate shall submit to and successfully pass a thorough background investigation prior to granting access into any Medford Police Department facility. The advocate also serves as an information resource to other Department members for victim assistance / advocacy issues. The advocate receives related training provided through Community Works as is required for all Community Works employees.

336.1.2 POLICE CULTURAL OUTREACH COORDINATOR

The Police Cultural Outreach Coordinator serves Medford Police Department as the minority liaison to the community.

The Coordinator provides information to the minority community on Department policies, procedures, Oregon state laws and local ordinances.

The Community Engagement Division Lieutenant directly supervises and evaluates the Police Cultural Outreach Coordinator.

336.2 POLICY

The Medford Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Medford Police Department will show compassion

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and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 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 Medford Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Providing oral or written notice to crime victims of the Oregon Crime Victim Bill of Rights. This may be accomplished by providing the information in victim handouts or providing the notice electronically (ORS 147.417).

(b) Sexual assault investigations (ORS 181A.325):

  (a) Receiving and responding to all inquiries concerning sexual assault kits.

  (b) Providing any information the victim requests concerning sexual assault kits in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry unless doing so would interfere with the investigation. This information includes the location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases, and the estimated destruction date for the kit.

  (c) Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.

  (d) Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim's behalf.

  (e) Upon request, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

336.4 CRIME VICTIMS

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

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4.1 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

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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).

336.5 VICTIM INFORMATION

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

(a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number, and any applicable case or incident number.

(j) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.

(k) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking, or human trafficking (ORS 192.826).

(l) Oregon Crime Victim Bill of Rights (ORS 147.417).

(m) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).

1. Contact information for the crime victim liaison for victims of sexual assault.
2. Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.

(n) The hate crimes telephone hotline for assisting the victims of bias crimes and bias incidents (ORS 147.380).

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336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Drug and Blight House Abatement

337.1 PURPOSE AND SCOPE

Medford Police Department actively abates houses that denigrate the livability of their neighborhoods based on drug activity in violation of ORS 105.555 to 105.580, or blight in violation of Medford Code 5.500, or combination of both.

A ***"blight house"*** is a residence that has fallen below a normal, acceptable level of habitation, due to garbage accumulation, abandoned vehicles, unacceptable health standards, dysfunctional plumbing, or structural deterioration.

Medford Police Department utilizes both traditional police enforcement and non-traditional techniques using all available resources to abate drug and blight houses.

The program uses a coordinated code enforcement technique and negotiates with property owners to improve their properties and obtain law-abiding tenants.

The code enforcement technique insists that property owners comply with housing, safety and health codes. Properties are refurbished by the owners to become code compliant habitable housing, or face abatement or closure.

Tenants may be evicted in the process if necessary by legal means.

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Hate Crimes

338.1 POLICY

The Medford 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.

338.2 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.

338.2.1 DEFINITIONS

Definitions related to this policy include:

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

338.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

338.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

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(f) The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

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

338.4.1 INVESTIGATION DIVISION RESPONSIBILITIES

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

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

338.5 TRAINING

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

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Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Medford Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

340.1.1 MISCONDUCT DEFINED

MISCONDUCT -- The commission of a crime or any violation of policy, rule, procedure; or any conduct that may tend to cause embarrassment to the Medford Police Department, the City of Medford, or the accused employee.

340.2 POLICY

The continued employment or appointment of every member of the Medford Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.2.1 SERGEANT'S FILE

Each Sergeant and Program Manager maintains a confidential Sergeant's File, which is a working personnel file for each subordinate employee supervised under their respective command. It is a file kept separate from the personnel files maintained in the Office of the Chief of Police and Human Resources Department. The file can be maintained in digital format on the Sergeant's department issued computer.

Each file contains information for evaluation purposes during the current rating period. Such file may contain any of the following performance-related documents:

(a) Commendations,

(b) Reprimands,

(c) Significant case work,

(d) Threshold incidents,

(e) Memorandums, and

(f) Work Improvement Plans.

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Upon completion of the evaluation, the materials utilized in that rating should be purged from the file. A Work Improvement Plan or other on-going corrective action would remain in the file until the employee has successfully completed the corrective action.

340.2.2 POSSIBLE DISCIPLINARY ACTIONS

Upon a finding of a sustained complaint, the following possible disciplinary actions are administered as follows:

(a) **Counseling / Training** -- In the event of minor employee misconduct involving a minor procedural mistake or judgment error, an employee will generally be counseled and / or provided with training appropriate to the situation. Such incidents may be documented in the Division Commander's file. They are removed after one year, pending no further similar activity occurs.

(b) **Written Reprimand** -- If employee conduct is relatively more serious in nature, or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes, an employee will generally be issued a written reprimand. Documentation of a written reprimand is in memorandum format and placed in the employee's personnel file and the Division Commander's file. It is retained under terms of the Collective Bargaining Agreement.

(c) **Suspension** -- In the event of a relatively very serious employee misconduct, or a continuing pattern of employee behavior that involves repeated misconduct, the employee may be recommended for suspension.

(d) **Discharge** -- In the event employee misconduct is so grave, or is a continuing pattern of behavior that involves repeated misconduct that continued employment is no longer appropriate, the employee may be recommended for discharge. If an investigation of employee misconduct results in discharge, the employee shall receive written notice that includes the following information:

1. Reason for the discharge;
2. Effective date of the discharge; and
3. A statement of the status of fringe and retirement benefits following discharge.

340.3 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.

340.3.1 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.

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

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

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

340.3.2 SUPERVISOR RESPONSIBILITIES

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

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.4 GENERAL STANDARDS

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

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

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

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340.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT

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

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

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

(a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the department policies related to the use of force

(b) Sexual harassment or sexual misconduct

(c) Discrimination against a person based on race, color, religion, sex, sexual orientation national origin, disability, or age

(d) A crime

(e) A violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410

340.5 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.

340.5.1 LAWS, RULES AND ORDERS

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

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

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

340.5.2 ETHICS

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

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

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

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

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

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

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

340.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected 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.

340.5.4 RELATIONSHIPS

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

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

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

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

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

340.5.5 ATTENDANCE

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

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

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

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340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

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

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

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any 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.

340.5.7 EFFICIENCY

(a) Neglect of duty.

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

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

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

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

340.5.8 PERFORMANCE

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

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

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority,

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in connection with any investigation or in the reporting of any department-related business.

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

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

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

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

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

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

340.5.9 CONDUCT

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

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

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

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

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

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(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.

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

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

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

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

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

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

340.5.10 SAFETY

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

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

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

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

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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

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

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

340.5.11 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.

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

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

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Information Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems consistent with the City of Medford Administrative Regulation 00-1 (Policy on Use of Information and Communication Systems) and the Oregon Government Standards and Practices Laws under Chapter 244.

Such devices include, but are not limited to:

(a) Computers,

(b) Mobile Data Computers,

(c) Internet,

(d) Intranet,

(e) Electronic mail (including all social networking and messaging sites, both internal and external),

(f) Mainframe,

(g) Cell phones,

(h) Pagers,

(i) Pager terminals,

(j) Voice mail,

(k) Facsimile (fax) machines,

(l) Copy machines, and

(m) any other devices issued by Medford Police Department or the Technical Services Department for the purpose of effective delivery of service to the City of Medford.

342.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Medford Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

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Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

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

342.3 PRIVACY EXPECTATION

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

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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.

342.4 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, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 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.

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

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

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

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

342.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

342.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

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

342.4.4 OFF-DUTY USE

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

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

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342.5 PROTECTION OF AGENCY SYSTEMS AND FILES

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

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

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

342.6 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 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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Report Preparation

344.1 PURPOSE AND SCOPE

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

344.1.1 REPORT PREPARATION

Official police reports should be composed using the designated Department computerized report writing system. Specific forms not found in the computerized system may be handwritten on preprinted forms found in the Officer's Report Writing Room.

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

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

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

344.2 REQUIRED REPORTING

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

344.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

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(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

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

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

344.2.2 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 Policy)

(d) Any found property or found 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

344.2.3 DEATH CASES

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

(a) Sudden or accidental deaths

(b) Suicides

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(c) Homicide or suspected homicide

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

(e) Found dead bodies or body parts

344.2.4 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.

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

(a) The injury is a result of drug overdose.

(b) Attempted suicide.

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

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

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.2.6 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) Vehicle burglaries 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) Identity theft without an identifiable suspect.

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

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

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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).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

Reports shall be submitted prior to the end of watch, shift or work period during which the reported event occurred, unless expressly excused by a supervisor.

Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

Forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should unapprove the report and return 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.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

344.6 ELECTRONIC SIGNATURES

The Medford Police Department has established an electronic tracking system for use by all employees of the Medford Police Department. The system is password-protected and unique for each employee. Each addition / modification to each police report is permanently logged

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and tracked throughout the life of the document. The Records Manager shall be responsible for maintaining the system and ensuring that each employee creates a unique, confidential password for police report writing.

- Each employee shall be responsible for the security and use of his/her password and shall promptly notify a supervisor if the password has or may have been compromised or misused.

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News Media Relations

346.1 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.

PROCEDURES:

- 346.01 PRO Providing Mail Tribune With Media info
- 346.03 PRO Providing Media Information After Hours

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Division Commanders, Watch Commanders and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 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.

346.3 MEDIA ACCESS

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

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Press Information Officer or other designated spokesperson.
2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the Watch Commander. The TFR should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation should be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

(e) Media representatives will not be allowed to enter the inner perimeter of a tactical situation or a crime scene while an incident or investigation is in progress.

A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Press Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a

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Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137). All requests for TFR should be routed through the Watch Commander.

346.4 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.

(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.

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

346.4.2 SPECIAL CONSIDERATIONS IN CRIMINAL MATTERS

(a) Department personnel shall extend every reasonable courtesy to the news media representatives at crime scenes. This may include closer access of personnel and equipment than available to the general public if it does not interfere with the police mission or movement of vehicle or pedestrian traffic.

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(b) News media shall not be allowed access to any area or scene of an incident or crime where physical evidence may possibly be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed, secured and removed by authorized personnel, media may be allowed limited access at the discretion of the commanding officer at the scene.

(c) Prior to any photography, film or videotape recording being obtained by any members of the news media on private property, permission to do so shall be sought from the owner or owner's representative.

(d) Department personnel shall not pose nor display suspects in-custody for photography, telecasts or interviews.

(e) When a suspect is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to assist in locating the suspect.

(f) At the scene of a major crime scene or other newsworthy event, the officer-in-charge shall designate a preliminary press area as soon as practical.

(g) The fact that a suicide or suspected suicide has occurred may be reported to the media along with factual information describing details of the event. The name, age, address, sex and occupation of the victim may be released following notification of next-of-kin. The fact that a suicide note also exists may be acknowledged without further comment. The content of such a note is personal and confidential and shall not be released except as provided by law.

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Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

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

PROCEDURES:

- 348.01 PRO Requests for Trial Continuance/Dismissal

FORMS:

- 348.02 FRM Motion for Continuance
- 348.03 FRM Motion for Dismissal
- 348.04 FRM Motion / Order to Withhold Address/Phone

348.2 POLICY

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

348.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by one of the following (ORS 136.595; ORCP 55):

(a) Personal service.

(b) Accepted by an authorized member on behalf of a currently employed officer who is within the state at the time of service and is delivered at least 10 days prior to the hearing date specified on the subpoena.

1. Attendance at trial is related to the officer's work performed in the course of employment as a peace officer.

2. The subpoena clerk shall make a good faith effort to notify the subpoenaed officer of the date, time and location of the court appearance. If the officer cannot be notified, the subpoena clerk will promptly notify the court of the inability to contact the officer.

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

A civil subpoena being served upon a member as an expert witness may be personally served upon the member or member's immediate supervisor (ORS 44.552).

Subpoenas shall not be accepted unless accompanied by the appropriate witness fees as allowed by law (ORS 44.415; ORS 44.554; ORCP 55 (D)(1)).

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348.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

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

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Medford Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Medford 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.

348.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

348.3.3 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.

348.4 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.

348.4.1 MUNICIPAL COURT TRIAL SCHEDULES

Officers shall maintain awareness of the Municipal Court trial schedule, posted on the board in the Officer's Report Writing Room and shall respond to trials as scheduled. Officers shall prepare for Municipal Court trials as any other court appearance.

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Officers shall subpoena necessary witnesses well in advance and prepare for prosecution on behalf of the City of Medford if the City Attorney is not assigned to represent the City of Medford in a scheduled trial. Officers shall complete the Subpoena Request Form (CRT / 300) at least 30 days in advance of a scheduled trial.

Department personnel who fail to appear or who are unprepared for trial unexcused may be subject to discipline.

348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

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

348.6 COURTROOM PROTOCOL

When appearing in court, members shall:

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

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6.1 TESTIMONY

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

348.6.2 SIMULTANEOUS VIDEO GRAND JURY TESTIMONY

The Jackson County District Attorney's Office prefers that testimony to the Grand Jury occur in person, but acknowledges that due to scheduling conflicts, police agency staffing, training issues, and other extenuating circumstances that simultaneous video testimony is a viable option. It is the policy of the JCDA Office that case agents in Measure 11 and domestic violence cases **must** appear in person to testify to the grand jury. Secondary officers in those cases can appear if necessary by simultaneous video. In other cases involving a victim, who is scheduled to appear at grand jury, it is the **preference,** of the JCDA's Office that case agents make every attempt to appear in person before requesting simultaneous video testimony. Officers shall notify their supervisors as soon as practicable that they will be testifying via video rather than in person.

348.6.3 SIMULTANEOUS VIDEO PROCESS

The preferred option is Apple Facetime and requires the person testifying to have an Apple device, while the second option is Skype, which requires the person testifying to have a Skype account. If an officer/witness requires simultaneous video testimony the officer/witness (or agency on behalf

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of the officer/witness) must contact the JCDA Office Grand Jury Clerk who is assigned to that specific day of grand jury at least one day in advance. When contacting this clerk the officer/ witness must provide the phone number that the Facetime will occur on, or the Skype address that will be used. The officer/witness will be contacted by the JCDA Office on Facetime or Skype at or as near as possible to the time their case is scheduled for Grand Jury, and should remain available for 10-20 minutes after testifying in the event the Grand Jury has clarifying questions after other witnesses testify.

348.6.4 SIMULTANEOUS VIDEO PROTOCOL AND ATTIRE

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

348.7 OVERTIME APPEARANCES

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

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Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

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

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person, pursuant to the Jackson County Cooperative Policing Plan, Appendix 2 (Mutual Aid Agreement). This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

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

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

Medford Police Department shall respond for calls for assistance outside the Medford city limits, except under the following circumstances:

(a) Whenever in a supervisor's opinion resources to the city of Medford would be jeopardized or otherwise diminished to an unacceptable level by such response; or

(b) To investigate any non-emergency situation where the City of Medford is not an involved party.

Nothing in this General Order precludes an employee from Medford Police Department from leaving the city limits to complete assignments and investigations.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

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

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

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Hospitalized Prisoners

355.1 PURPOSE AND SCOPE

Medford Police Department shall maintain custody of persons arrested by this Department who have been admitted to a medical treatment facility, but have not yet been medically cleared for booking into a custodial facility, pursuant to this policy.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

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

PROCEDURES:

- 356.01 PRO Registering Sex Offenders See attachment: 356.01 PRO Registering Sex Offenders.pdf
- 356.02 PRO Notifications on Unsupervised Predatory Sex Offenders See attachment: 356.02 PRO Notifications on Unsupervised Predatory Sex Offenders.pdf
- 356.03 PRO Responding to Sexual Assault Investigations See attachment: 356.03 PRO Responding to Sexual Assault Investigations.pdf

356.2 POLICY

It is the policy of the Medford Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

Sex offenders in any of the above categories are required to register at one of several criminal justice locations including any law enforcement agency, community corrections department or juvenile department. Registration information is entered into the offender's Law Enforcement Data System (LEDS) sex offender record. Sex offenders must report in person to one of those locations:

- Within 10 days of being ordered by a court or being released from a jail or correctional institution.
- Annually, within 10 days of their birthday.
- Within 10 days of a change of residence
- When an offender becomes employed, carries on a vocation, or changes in their enrollment status at an institution of higher education (college).
- When an offender attends or changes their enrollments status at an institution of higher education (college).

All assigned employees will receive appropriate training regarding the sex offender registration process.

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A system is established and maintained that will reasonably accommodate registrants as they seek to register. The system should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance.

New registrant and updated offender registration information will be entered into Tiburon in a timely manner so as to be made available to Patrol and Investigation Division personnel.

A process is established and maintained to legally verify that a registrant remains in compliance with his/her registration requirements after the initial registration.

356.3.1 CONTENTS OF REGISTRATION
Registrants shall (ORS 163A.010; OAR 257-070-0110):

(a) Provide the information to complete the sex offender registration form and sign it.

(b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.

(c) Submit to fingerprinting, if required.

356.4 MONITORING OF REGISTERED OFFENDERS

Medford Police Department officers monitor activities of known registered sex offenders residing in and frequenting the vicinity of the City of Medford.

This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information in LEDS, NCIC, and on the State of Oregon Sex Offender Inquiry System.

(c) Contact with a registrant's parole or probation officer.

(d) Confirming a registrant's address and annual registration compliance through in-person contact with the registrant, his family, or roommate(s) at the home address provided by the registrant.

Any discrepancies should be documented in a police report. If registrant is found to be out of compliance with ORS 181.812,the police report should be sent to the District Attorney's office requesting an arrest warrant for the registrant.

Medford Police Department personnel routinely disseminate information regarding registered offenders within the department and appropriately to surrounding police agencies, including timely updates regarding new or relocated registrants that are received from the Oregon State Police Sex Offender Registration Unit.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Employees who identify a significant risk or other public

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safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Sex Offender Inquiry System (http://sexoffenders.oregon.gov/), or the Medford 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).

356.5.1 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.

356.6 DEPARTMENTAL DISSEMINATION OF INFORMATION

Medford Police Department proactively conducts compliance checks on known registered sex offenders and persons required to register as sex offenders. Officers may provide information to the public regarding a person required to register as a sex offender pursuant to Oregon Revised Statutes 181.805 to ORS 181.810; ORS 181.812; ORS 181.814 to ORS 181.817; ORS 181.820; ORS 181.836 to ORS 181.840; ORS 181.843 and ORS 181.845) at the direction of the Chief of Police.

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

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Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Medford 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.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

Notifications made automatically by Emergency Communications of Southern Oregon (ESCO)

- Officer-involved shooting on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notifications)
- Murders
- Active Assailant
- Multi-agency pursuits
- Natural disasters/catastrophes
- Major events requiring evacuations - (fire/dam failures, hazmat incidents, etc.)
- Major outages at ECSO
- Aircraft crashes

Notifications requiring prompts by watch commanders to ECSO or Medford Police Records Division

- Shooting cases where a victim has been hit
- Drive-by shootings
- Stabbings
- Traffic accidents resulting in critical injuries
- Bomb threats
- Aircraft in-flight emergencies
- Any other major case that the watch commander feels command staff should know about

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358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander 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 practical.Notifications should be made through a request for a command page by Emergency Communications Southern Oregon 911 (ESCO) or through the on duty Records staff.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the affected Bureau Commander, the Criminal Investigations supervisor if that bureau is affected and other appropriate members of command staff.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC DIVISION NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then initiate a STAR Team call-out pursuant to the Jackson County Cooperative Policing Plan, Appendix 7, as well as appropriate investigators from this Department.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

358.4.5 SWAT CALL-OUT

The Patrol Commander may authorize a SWAT call-out if a suspect is believed to be armed and dangerous and:

- The situation meets SWAT mission guidelines;
- The situation is beyond the abilities of available personnel, equipment and training; or
- Special equipment utilized by SWAT is needed.

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Death Investigation

360.1 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.

PROCEDURES:

- 360.01 PRO Responding to Death Investigations

FORMS:

- 360.02 FRM Homicide Investigation Checklist

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified promptly in all death investigations.

Upon summoning emergency personnel, the officer responsible for the crime scene shall carefully direct responding personnel into the crime scene to minimize destruction of physical evidence, other than during emergent life-saving efforts.

360.2.1 MEDICAL EXAMINER NOTIFICATION

Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death:

(a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances

(b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents

(c) Occurring while incarcerated in any jail, correction facility, or in police custody

(d) Apparently accidental or following an injury

(e) By disease, injury or toxic agent during or arising from employment

(f) While not under the care of a physician during the period immediately previous to death

(g) Related to disease which might constitute a threat to the public health

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(h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community

The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner, medical-legal death investigator or the District Attorney (ORS 146.103).

A Medical Examiner, medical-legal death investigator or District Attorney, in conjunction with the Medford Police Department and/or the Jackson County Major Assault / Death Investigation Unit, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death (ORS 146.103).

The members of the Medford Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

360.2.2 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.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Upon identifying the body, investigators shall attempt to locate the next of kin or responsible friends to obtain the designation of a funeral home to which the deceased is to be taken.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

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360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on appropriate crime or incident report.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Criminal Investigations Bureau supervisor shall be notified to determine the possible need for a detective to respond to the scene and / or if the Jackson County Major Assault / Death Investigation Unit call-out should be initiated.

Medford Police Department shall retain primary investigative responsibility in all death investigations occurring within the City of Medford, except in cases directly involving Department personnel (i.e., officer-involved shooting). In such case, the Jackson County Major Assault / Death Investigation Unit or another police agency as determined by the Jackson County District Attorney.

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Identity Theft

362.1 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 (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

REFERENCES:

- 362.01 REF Identity Theft Information Packet See attachment: 362.01 REF ID Info Pkt--(Public).pdf
- 362.02 REF Action Steps for Identity Theft Victims See attachment: 362.02 REF Action Steps--ID Theft.pdf

FORMS:

- 362.03 FRM Identity Theft LEDS File Entry See attachment: 362.03 FRM Identity Theft Report.pdf
- 362.04 FRM Identity Theft System Entry Consent Form See attachment: 362.04 FRM ID Theft Entry Consent Form.pdf

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer shall take a courtesy report to be forwarded to the victim's residence agency and should encourage the victim to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

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(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

(f) A Records Specialist may enter the identity theft victim's information into the Oregon Law Enforcement Data System (LEDS) following receipt of a completed Identity Theft System Entry Consent Form and a selected password from the victim.

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Bar Checks

363.1 PURPOSE AND SCOPE

Medford Police Department conducts routine checks of bars, taverns and restaurants where alcoholic beverages are served and similarly licensed establishments for violations of Medford Municipal Ordinances, Oregon Liquor Control Commission (OLCC) regulation violations, and other violations of state laws.

363.2 LOITERING IN BARS

In conducting bar checks and checks of other licensed establishments, officers shall promptly exit the business upon completion of their business. No Medford Police Department employees shall conduct any personal business nor loiter in a bar or licensed establishment while either on-duty or in uniform.

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Private Persons Arrests

364.1 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).

364.2 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.

364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer (ORS 133.225).

In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person's escape.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

364.5 REPORTING REQUIREMENTS

Officers shall complete a narrative report regarding the circumstances and disposition of the incident in all incidents involving an arrest by a private person. The investigating officer shall complete a detailed report, whether or not the officer accepted the arrest.

364.6 SHOPLIFT ARRESTS

In shoplifting arrests where the victim, store proprietor or other responsible person can ensure the maintenance of a proper chain of evidence, the recovered property shall remain in the possession of the person or facility making the arrest. In such case the investigating officer shall obtain a written report on the event from the victim, store proprietor or other responsible person.

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

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

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Medford Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Medford 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.

368.3 LEP COORDINATOR

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

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

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(a) Coordinating and implementing all aspects of the Medford 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 and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Medford 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.

368.6 WRITTEN FORMS AND GUIDELINES

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

368.7 AUDIO RECORDINGS

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

368.7.1 QUALIFIED BILINGUAL MEMBERS

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

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

368.8 AUTHORIZED INTERPRETERS

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

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

368.8.1 SOURCES OF AUTHORIZED INTERPRETERS

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

Other sources may include:

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

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368.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

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

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

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

368.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

368.10.1 EMERGENCY CALLS TO 9-1-1

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

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

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

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

368.11 FIELD ENFORCEMENT

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

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

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

368.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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368.13 CUSTODIAL INTERROGATIONS

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

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

368.13.1 INTERPRETER REQUIRED IN ARRESTS

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

368.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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368.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

370.1 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.

370.1.1 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.

370.2 POLICY

It is the policy of the Medford 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.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107) who will be the Operations Bureau Deputy Chief and the Support Bureau Deputy Chief.

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

(a) Working with the City ADA coordinator regarding the Medford Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 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.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Medford 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.

370.6 TYPES OF ASSISTANCE AVAILABLE

Medford 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.

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370.7 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.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 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.

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370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

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

370.11 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.

370.12 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.

370.13 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.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

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

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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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.

370.14.1 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).

370.15 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.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator 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 Coordinator 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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Stalking

376.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

376.2 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Medford 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.

376.3 UNIFORM STALKING COMPLAINT

The Department will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, officers shall complete a thorough investigation. All stalking incident reports and the results of any investigation shall be forwarded to the District Attorney's Office within three days, regardless of whether any civil or criminal action was taken (ORS 163.744; ORS 163.738(7)).

376.4 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).

376.4.1 SERVICE OF STALKING CITATIONS

If the Uniform Stalking Citation is served on a respondent, the District Attorney's Office will initiate the hearing process. Officers should:

(a) Advise the respondent of the following:

1. The court date and time and location of appearance
2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation
3. That if the respondent fails to appear at the hearing, a warrant will be issued for their arrest, as well as a Stalking Protective Order
4. That engaging in behavior that alarms or coerces the petitioner may result in their arrest

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(b) Provide a copy to the petitioner and advise the petitioner that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

If there is probable cause to issue a citation, but the citation is not served, officers should:

(a) Document attempts to serve the respondent.

(b) Refer the victim to the following for assistance in obtaining a civil Stalking Protective Order:

1. A private attorney
2. Legal Aid
3. The District Attorney's office Victim Assistance Unit

376.5 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.

376.5.1 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).

376.6 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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Restraining Orders

377.1 PURPOSE AND SCOPE

Medford Police Department enforces violations of restraining orders issued by a judge. This policy establishes this Department's actions in response to violations of restraining orders.

REFERENCES:

- 377.01 REF Federal Firearms Prohibitions Involving Protection Orders See attachment: 377.01 REF Federal Firearms Prohibitions Inv Protection Orders.pdf

377.2 OFFICER'S RESPONSE TO RESTRAINING ORDER VIOLATIONS

Officers shall assist the petitioner or respondent as directed by terms of the restraining order. Such assistance may include:

(a) A civil stand-by to facilitate removal of personal effects from the residence for no more than a 20-minute duration;

(b) Recovering custody of children; and

(c) Removing and seizing firearms for safekeeping or as evidence to further determine if a federal firearms prohibition violation exists.

377.3 NO CONTACT ORDERS

In the event of a No Contact Order, which should not be confused with a Restraining Order, Medford Police Department shall not provide a civil stand-by to anyone who is the subject of a No Contact Order. In such case, the suspect would have to obtain a written release from the judge who issued the order, or advise the suspect to have an uninvolved third party retrieve belongings.

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Chaplains

378.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Medford Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

378.2 POLICY

The Medford Police Department shall ensure that the department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

378.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

378.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Medford 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.

378.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

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378.4.2 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 employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

378.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Medford Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Medford 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.

378.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Support Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

378.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Medford Police Department.

378.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

378.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Medford Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

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(d) Chaplains shall be permitted to ride with officers during any shift and observe Medford Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Medford Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

378.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

378.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the 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.

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(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

378.7.5 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.

378.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

378.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Medford Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Medford Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

378.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Coordinator, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality

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- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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Child and Dependent Adult Safety

380.1 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.

380.2 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 Medford 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.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. 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.

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any 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.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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380.5 TRAINING

The Training Coordinator 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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Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Medford 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.

382.2 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).

382.2.1 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).

382.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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382.3 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 Medford Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Public Safety Video Surveillance System

384.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the 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.

384.2 POLICY

The Medford Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

384.3 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.

384.3.1 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 for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

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(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 Watch Commander's office and ECSO. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained ECSO personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police 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.

384.3.2 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 well lit, placed appropriately and without obstruction to ensure visibility.

384.3.3 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 and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

384.4 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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384.4.1 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 adhearence 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.

384.4.2 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 safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

384.5 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.

384.5.1 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.

384.6 RELEASE OF VIDEO IMAGES
All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Medford Police Department.

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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.

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Volunteer Program

386.1 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.

PROCEDURES:

- 386.01 PRO Court Liaison Detail See attachment: 386.01 PRO Court Liaison Detail.pdf

386.1.1 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 Explorer Post, among others.

386.2 VOLUNTEER MANAGEMENT

386.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Support Bureau Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

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(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

386.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

386.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Oregon State Police Clearinghouse Unit.

(b) Employment.

(c) References.

(d) Credit check.

386.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement

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of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

386.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

386.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

386.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department

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assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

386.2.8 LIABILITY COVERAGE
Liability coverage for covered volunteers will be pursuant to City provisions.

386.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

386.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

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386.5 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.

386.5.1 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 Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including 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 and volunteers are not authorized to operate a Department vehicle Code-3.

386.5.2 RADIO USAGE

Volunteers shall successfully complete radio procedures training prior to using the police radio and comply with all related provisions. The Volunteer Coordinator should ensure that radio training is provided for volunteers whenever necessary. Volunteers complete CJIS training upon approval for service and annually thereafter.

386.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

386.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the

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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.

386.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Explorer Cadet Unit

388.1 PURPOSE AND SCOPE

Medford Police Department administers the Law Enforcement Explorer Unit #2108, which is affiliated with the Public Safety Cadets.Explorer Cadets perform support service functions for the Department, including:

(a) Security details;

(b) Traffic control;

(c) Assist with search & rescue; and

(d) Assist the Department with special events.

Medford Police Department issues uniforms to Explorer Cadets that clearly distinguish them from sworn Police Officers.

Explorer Cadets are provided verbal feedback during training scenarios and meetings regarding their performance.

388.1.1 DEPARTMENT ADVISOR TO EXPLORER CADET UNIT

Medford Police Department provides an advisor for the Explorer Cadet Unit.

The Chief of Police directly supervises the advisor on matters involving the Explorer Cadets, or delegates that authority.

One-on-one contact between adults and Explorer Cadet shall be prohibited, except for pre-authorized ride-alongs and other authorized events.

On any trip or outing, at least 2 adult leaders, one of which must be 21 years of age or older shall accompany as chaperones. Adult female leadership is required at all functions where female members of the Explorer Unit are involved.

388.2 UNIT MEMBERSHIP AND PARTICIPATION

Explorer Cadet applicants requesting membership shall:

(a) Express a sincere interest in law enforcement;

(b) Have good moral character and conform to the high standards set by the City of Medford for its employees;

(c) Maintain a scholastic average of 2.5 or better grade point average;

(d) Agree to participate in Post activities; and

(e) Agree to participate in at least 50% of community service events.

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388.2.1 SUSPENSION OR TERMINATION FROM THE UNIT
The following may result in suspension or termination from the Explorer Cadet Unit:

(a) Lack of participation over a 1 year period;

(b) Involvement in criminal activity;

(c) Association with known criminals;

(d) Fraternizing with Department employees;

(e) Conduct that could be potentially embarrassing to the Medford Police Department or the City of Medford; or

(f) Failure to maintain a 2.5 grade point average;

388.3 FRATERNIZATION

Fraternization by any member of the Department's Explorer Cadet Unit with any Department employee is strictly prohibited and violation shall be subject to termination from the Post.

"Fraternization"

in this case is defined by a romantic, intimate, dating or sexual relationship.

Any Explorer Cadet member shall immediately report to the Explorer Cadet advisor or any Department supervisor, any incidents of harassment, sexual harassment, jokes containing sexual references or inferences, discrimination, improper favoritism, inappropriate comments, or any other questionable behavior by any Department employee. Failure to report such incident may result in termination from the Explorer Cadet Unit.

This policy shall apply to all Department personnel and without regard to consent between parties, genders involved, or sexual orientation of the parties.

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Off-Duty Law Enforcement Actions

389.1 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 Medford Police Department with respect to taking law enforcement action while off-duty.

389.2 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.

389.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

389.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

389.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Medford Police Department officer until acknowledged. Official identification should also be displayed.

389.4.2 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.

389.4.3 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.

389.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

389.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Department Use of Social Media

390.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

390.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

390.2 POLICY

The Medford Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

390.3 AUTHORIZED USERS

Only members authorized by the Chief or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

390.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

390.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Press Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

390.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Medford Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

390.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

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390.7 RETENTION OF RECORDS

The Administration Support Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

390.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Native American Graves Protection and Repatriation

391.1 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.).

391.1.1 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.

391.2 POLICY

It is the policy of the Medford 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.

391.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe and the Commission on Indian Services (ORS 97.745)
- Tribal land - Responsible Indian tribal official

391.4 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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Community Relations

392.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

392.2 POLICY

It is the policy of the Medford 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.

392.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members.

392.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

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(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Bureau Commander 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.

392.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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392.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Police Explorers.

(e) Neighborhood Watch and crime prevention programs.

392.7 INFORMATION SHARING

The community relations coordinator should work with the Press Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department 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.

392.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) 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

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

392.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

392.10 POLICE ADVISORY COMMITTEE

Refer to POL 218 Police Advisory Committee for details.

392.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

392.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

392.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Extreme Risk Protection Orders

393.1 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.

393.1.1 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.

393.2 POLICY

It is the policy of the Medford Police Department to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for deadly weapons obtained by the Department pursuant to such orders.

393.3 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).

393.4 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form. The officer assigned to serve the order and hearing request form shall immediately deliver to the county sheriff a true copy of proof of service and a copy of the order (ORS 166.527).

The county sheriff is responsible for entering the order into the state's Law Enforcement Data Systems (LEDS) with a request that the order be entered in the National Crime Information Center (NCIC). Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

If service of the order cannot be completed within 10 days, the officer shall notify the petitioner at the address he/she provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice with the court showing service was not completed (ORS 166.527).

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393.4.1 SURRENDER OF DEADLY WEAPONS AND HANDGUN LICENSE

The officer serving an extreme risk protection order shall request that the person immediately surrender all deadly weapons in his/her custody, control or possession along with any concealed handgun license issued to the person. The officer shall take custody of any weapons or license surrendered. If the person indicates an intention to surrender the weapons to a gun dealer or a third party, the officer shall request that the person identify that gun dealer or third party. Prior to taking any enforcement action, the officer should make a reasonable effort to follow up with the gun dealer or third party to determine if the deadly weapons were surrendered (2017 Oregon Laws, c.737, § 6(3)).

The officer serving an extreme risk protection order continued after a court hearing held under 2017 Oregon Laws, c.737, § 3, or a renewed extreme risk protection order, shall request tha the person surrender all deadly weapons in his/her custody, control, or possession. The officer may conduct any search permitted by law for deadly weapons and shall take possession of all deadly weapons appearing to be in the custody, control, or possession of the person that are surrendered in plain sight, or discovered pursuant to a lawful search (2017 Oregon Laws, c.737, § 6).

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the person. The officer should ensure the original receipt is forwarded to the Records Manager as soon as practicable (2017 Oregon Laws, c.737, § 6 (4)).

All deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

393.5 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (ORS 166.537).

393.6 COURT-ORDERED SURRENDER OF DEADLY WEAPONS

Authorized members should accept deadly weapons and a concealed handgun license from any person who is the subject of an extreme risk protection order. The member receiving any such items shall issue a receipt identifying all surrendered items, in addition to following other relevant Department procedures (ORS 166.537).

393.7 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.

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393.8 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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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

PROCEDURES:

- 400.01 PRO Patrol Officer's Daily Routines See attachment: 400.01 PRO Officers Daily Routine Duties.pdf
- 400.03 PRO Major Incident Critiques See attachment: 400.03 PRO Major Incident Critiques.pdf
- 400.04 PRO Hazel Center Secure Residential Treatment Facility See attachment: 400.04 PRO Hazel Center SRTF.pdf

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Medford Police Department, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions;

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.;

(c) Calls for service, both routine and emergency in nature, 24 hours a day and 7 days a week;

(d) Investigation of both criminal and non-criminal acts;

(e) The apprehension of criminal offenders;

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature;

(g) The sharing of information between the Patrol and other bureaus 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; and

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(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Medford Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigation Division Supervisor in a timely fashion.

400.1.3 ALTERNATIVE PATROL TACTICS

Officers may utilize a variety of tactics at their discretion in response to detection and apprehension involving criminal activities. These tactics include, but are not limited to:

(a) Foot patrol,

(b) Bicycle patrol, and

(c) Plain-clothes activities.

Officers should meet and comply with all required certified training as required for specific patrol tactics options prior to utilizing those options.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various bureaus of the Medford Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Tactical Information Unit (TIU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Criminal Investigations Division for distribution to all bureaus within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Officers and supervisors from all units are encouraged to share information as much as possible and as appropriate. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

Detectives occasionally attend patrol briefings to faciliate exchange of information.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all bureaus within the Department.

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400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the Officer's Report Writing Room and the Criminal Investigation Division for display of suspect information, intelligence reports and photographs.

New General Order will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the General Order will be placed on the Officer's Report Writing Room bulletin board.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 OFFICER'S BEAT RESPONSIBILITIES

Officers should generally handle cases within their assigned beat area, unless dispatched outside of their area, conducting follow-up investigation, assisting other officers, responding to an emergency situation or as directed by a supervisor.

Officers should generally complete reports in the field within their assigned geographic beats at safe locations.

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Community-Oriented Policing

401.1 PURPOSE AND SCOPE

Medford Police Department incorporates community-oriented policing techniques. Patrol officers identify a wide variety of problems within their specific assigned beat areas. In partnership with other community members and utilizing all available resources, officers work to resolve those problems.

Some locations may be deemed a **Chronic Nuisance Property** as defined by Medford Municipal Code 5.5.11 and may be abated pursuant to Medford Municipal Code 5.511-5.520.

PROCEDURES:

- 401.01 PRO Responding to Specific Locations with Multiple Calls for Service See attachment: 401.01 PRO Responding to Specific Locations with Multiple Calls for Service.pdf
- 401.02 PRO Abating Drug and Blight Houses See attachment: 401.02 PRO Abating Drug and Blight Houses.pdf
- 401.03 PRO Investigating Accumulation of Garbage Cases See attachment: 401.03 PRO Investigating Accumulation of Garbage Cases.pdf
- 401.04 PRO Abandoned and Unlawfully Stored Vehicles See attachment: 401.04 PRO Abandoned and Unlawfully Stored Vehicles-UPDATED.pdf

FORMS:

- 401.04 FRM Abandoned Tow Letter See attachment: 401.04 FRM Abandoned Tow Letter 2.pdf

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Medford 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.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, language, religion, sex, sexual orientation, gender identity or expression, economic status, homelessness, age, cultural group, disability, political affiliation or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes profiling as defined by ORS 131.915.

402.2 POLICY

The Medford 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.

402.3 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.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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402.4.1 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.

402.4.2 REPORTING TRAFFIC AND PEDESTRIAN STOPS
Each time an officer makes an officer-initiated traffic or pedestrian stop, the officer shall record the required stop data in the method and manner prescribed by the Oregon Criminal Justice Commission (OCJC) (2017 Oregon Laws, c. 706 § 2).

402.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 STATE REPORTING

402.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS POLICY AND DATA REVIEW COMMITTEE
The Chief of Police shall annually provide Law Enforcement Contacts Policy and Data Review Committee (LECC) the following (ORS 131.925):

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(a) LEA Annual Profiling Complaint Certification Form

1. This form is to be submitted by the Chief of Police, even if no profiling complaints were received by the department.

(b) LEA Profiling Complaint Summary Form

1. Copies of profiling complaints received by the department
2. If no profiling complaints have been received, this form does not need to be submitted.

The Professional Standards Sergeant will be responsible for providing the Chief of Police with all complaints of alleged profiling for the Law Enforcement Contacts Policy and Data Review Committee (LECC) established per HB2002. The Professional Standards Sergeant will also be responsible for receiving complaints from the LECC.

Summaries of complaints and copies of complaints provided to LECC will be redacted of personal information.

The Medford Police Department 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).

402.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION

The Medford Police Department shall provide the OCJC with traffic and pedestrian stop data annually as prescribed by 2017 Oregon Laws, c. 706 § 2.

Data may not include information that reveals the identity of any stopped individual or of any officer (2017 Oregon Laws, c. 706 § 2).

402.7 ADMINISTRATION

The Patrol Bureau Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complainant, citizen, or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Coordinator.

402.8.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Training Coordinator 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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Greenway Health and Safety Program

403.1 SCOPE AND PURPOSE

The purpose of this policy is to ensure there is a program in place for maintaining a healthy and safe environment along the Bear Creek Greenway within the City of Medford. The Medford Police Department recognizes there is a need for specially trained personnel to respond appropriately to the needs of all citizens using the Bear Creek Greenway. A seven mile section of the Bear Creek Greenway runs through the heart of Medford. It is a park with a paved path for recreation and commuting. The Greenway runs along Bear Creek through many parks and bridges. There are several areas obstructed from view due to thick vegetation along the Bear Creek Greenway. Over the years there has been an increase in individuals experiencing homelessness building encampments along the Bear Creek Greenway in those areas of thick vegetation. In addition there has been an increase in trash and biological waste that are polluting the waterway. The Medford Police Department will address these needs in balance with the overall mission of this department. Therefore these officers will consider the following policy sections when serving the citizens of the community.

403.2 POLICY

It is the policy of the Medford Police department to have personnel with specialized training provide law enforcement services to respond to the complex issues along the Bear Creek Greenway. Officers that wish to be a part of the Greenway Health and Safety Program will receive additional training to provide fair and equitable law enforcement services to members of the community to include homeless persons.

403.3 GREENWAY HEALTH AND SAFETY PROGRAM TRAINING

Officers will receive training on policy 464 Homeless Persons. The homeless person's policy is very complex and provides specific guidelines for how we are to handle contacts with homeless persons and their personal property, which frequently happens along the Bear Creek Greenway. It is important for Health and Safety Officers to understand the legal requirements for seizing a homeless person's property and for cleaning homeless encampments. Health and Safety Officers will need to be familiar with the Greenway by knowing proper jurisdiction as well as public and private property ownership status. Health and Safety Officers will receive training on mapping programs such as the ArcGIS Explorer mapping application to help determine jurisdiction, property ownership and encampment status. Additional training may be provided using the ArcGis Collector application to document camp and dumpsite areas along the Greenway. Officers will also be required to stay current on case law and trends involving the rights of homeless persons.

403.4 GREENWAY HEALTH AND SAFETY ENFORCEMENT AND OUTREACH OPERATIONS

These operations will be conducted in collaboration with, but not limited to the following: other law enforcement agencies, local social service agencies and non-profit service providers. The

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operation goal is to provide a clean and safe environment for the public when using the Bear Creek Greenway by connecting persons experiencing homelessness on the Greenway with services. We believe we can help them transition into programs, shelter and housing.

403.4.1 POSTING OF ILLEGAL ENCAMPMENTS

Officers are required to post illegal homeless encampments along the Bear Creek Greenway with signs both in English and Spanish prior to removing personal property and or homeless persons from an established campsite on public property pursuant to Medford Municipal code 5.257 (Prohibited Camping). Once a campsite has been posted the individuals have to vacate within 24 hours of the posting.

403.5 ENFORCEMENT AND OUTREACH OPERATIONS

These operations should be supervised by a Sergeant or Corporal and may be supervised by an officer with the approval of the program supervisor. It is our goal to conduct these operations in collaboration with other law enforcement agencies. We additionally invite local social service agencies and some non-profits as part of our outreach (ie. Veterans Administration social workers and crisis workers from Jackson County Mental Health). Before deploying on an operation all personnel involved shall attend a briefing for safety updates and for the logistics and focus of the operation.

These operations should generally be conducted in the late evening hours into the early morning. This increases the likelihood of reaching more individuals that are experiencing homelessness and camping along the Greenway

403.5.1 CLEAN-UP OPERATIONS

Clean up operations are vital to the success of the program. Two Police Officers and at least one Community Service Officer will direct a Jackson County Community Justice Work crew to the cleanup locations. The officers will give direction to the cleanup crew supervisor and provide security while the work crew cleans the location. The CSO will operate a truck for the transportation of trash from the cleanup site to the dumpster. Cleanup operations should be conducted immediately following an Enforcement and Outreach Operation.

403.6 GREENWAY SAFETY PATROLS

Greenway Safety Patrols will be conducted by Police Officers along the Greenway focusing on areas where there are illegal homeless encampments, trespass problems and other areas they are directed to. These patrols will focus on the reduction of illegal activity and connecting individuals in need of services with the proper resources.

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Patrol Briefing Training

404.1 PURPOSE AND SCOPE

Patrol Briefing training is generally conducted before a patrol officer's assigned shift. Patrol Briefing training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts Patrol Briefing training; however officers may conduct Patrol Briefing for training purposes with supervisor approval.

Patrol Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new General Order or changes in General Order

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

PROCEDURES:

- 404.01 PRO Daily Briefing

404.2 PREPARATION OF MATERIALS

The supervisor conducting Patrol Briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF PATROL BRIEFING TRAINING RECORDS

Patrol Briefing training materials and a curriculum or summary shall be forwarded to the Training Coordinator for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Medford 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.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 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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406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 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.

406.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ORS 433.156).

406.7 CRIMINAL INVESTIGATIONS BUREAU COMMANDER RESPONSIBILITIES

The Criminal Investigations Bureau Commander is responsible for:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

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Crisis Response Unit

408.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is composed of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (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.

PROCEDURES:

- 408.01 PRO SWAT Call-Out

FORMS:

- 408.02 FRM After-Action Report

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit 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.

408.1.2 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, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

A Level I SWAT team is a team composed of members who do not normally work together as a team, and which is capable of providing specific limited functions such as containment or counter-sniper in response to critical incidents or high-risk entry in the service of search warrants that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail, or incident (e.g. active shooter response). Generally, 5% to 10% of the basic team's on-duty time should be devoted to training.

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408.2.2 LEVEL II

A Level II, Intermediate level, SWAT team is a full-service team capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams have regular assignments other than SWAT and may or may not work together on a daily basis. The team may be an interagency or regional team. It is intended, however, that they respond to incidents as a team. Generally, 10% to 25% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team. Level II teams operate in accordance with contemporary best practices.

408.2.3 LEVEL III

A Level III, Advanced level, SWAT team is a SWAT team whose personnel function as a full-time unit. Generally, 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 AGENCY POLICY

It shall be the policy of this agency to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The 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 exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this agency. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures 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

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(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

408.3.3 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 CRU 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, 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 SWAT team members should have an understanding of operational planning.

4. 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.

(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 SWAT.

(d) The appropriate role for a trained negotiator.

(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:

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1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the 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.

408.3.4 AFTER ACTION REPORTS

Upon completion of a CRU mission, the Incident Commander shall complete an After Action Report on the incident. The AA Report shall be completed on either the provided form , or in memorandum and forwarded to the Chief of Police via chain of command within 30 days of completion of the incident.

The CRU Commander shall maintain a file of After Action Reports and they shall be handled as confidential. After Action Reports shall be maintained separate from all crime reports and are not released outside this Department, except upon prior express consent of the Chief of Police.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and agency policy.

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a Basic SWAT Course or its equivalent.

(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.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete a certified update or refresher training, or its equivalent, every 24 months.

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408.4.3 SUPERVISION AND MANAGEMENT TRAINING

To ensure command and executive personnel who provide active oversight at the scene of 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. SWAT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. In addition to specialized training, the CRU Commander may conduct monthly training exercises to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test biannually. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt will result in dismissal from the team.

(c) Those team members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within thirty (30) days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30 day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Bi-annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that member to seek remedial training from a team Rangemaster approved by the CRU Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training will result in dismissal from the team.

(e) Each SWAT team member shall complete the bi-annual SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CRU Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may

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result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

408.4.5 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.

408.4.6 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Bureau. Such documentation shall be maintained in each officer's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.4.7 TESTING OF NEW EQUIPMENT
The SWAT Team may also participate in research, evaluation and development of new equipmnent and training for implementation for the Department at the direction of the Chief of Police.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

408.5.1 ON-SCENE DETERMINATION
SWAT teams from this agency 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.

408.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

SWAT members are individually assigned responsibility to specific SWAT vehicles and equipment for operational readiness. SWAT members check and maintain inventories of vehicle equipment and weapons.

All SWAT members are oriented to the operation of each SWAT vehicle upon appointment to the Team. Any SWAT member may operate the vehicle at the direction of a Team Leader or SWAT Commander.

408.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.5.4 OPERATIONAL READINESS INSPECTIONS
The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to

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members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

408.5.5 OPERATIONAL READINESS
SWAT members shall maintain all equipment to operational readiness at all times. Following completion of each training session, all weapons and equipment shall be cleaned, repaired and made operationally ready prior to releasing team members from training.

408.5.6 ANNUAL INVENTORY OF EQUIPMENT
The CRU Commander or his / her designee shall conduct a complete annual inventory of all SWAT including:

(a) Firearms,

(b) Flashbangs,

(c) Gas,

(d) Smoke,

(e) Crowd-control munitions, and

(f) Other weapons and munitions used for training and incident call-outs.

Such inventory shall be reported in memorandum to the Chief of Police via chain of command. All weapons shall be accounted for. The firearms inventory shall be conducted as part of the Department-wide weapons inventory in coordination with the Rangemaster.

408.5.7 ANNUAL REPORTING TO ATF
Pursuant to federal regulations, a designated SWAT member shall maintain a continuous accounting and inventory of all flashbangs (sound-diversion devices), and report annually to the US Treasury Department--Bureau of Alcohol, Tobacco and Firearms.

Such inventory shall account for all flashbangs used during trainings, call-out operations, and other activities where flashbangs are deployed. The letter shall be sent on Department letterhead and shall contain the following:

(a) A list of flashbangs by manufacturer;

(b) Type of device; and

(c) Serial and model numbers.

The letter shall be sent to the following address: US Treasury Department; Bureau of Alcohol, Tobacco and Firearms; National Firearms Act; 650 Massachusetts Avenue, N.W.; Room 5303; Washington, D.C. 20226

408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

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408.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Support Bureau Commander, the Crisis Response Unit shall be managed by a lieutenant.

408.6.2 TEAM SUPERVISORS
The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit:

(a) The Negotiation Team supervisor'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 CRU Commander.

(b) The Special Weapons and Tactics Team supervisor'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 CRU Commander.

408.6.3 SAFETY OFFICER
A designated Safety Officer shall be assigned to all CRU activities including training sessions, call-outs and exercises.

The Safety Officer has the authority to immediately stop any activity for review of safety issues.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Hostage Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Hostage Negotiation Team.

408.7.1 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Bureau Commander. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

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(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

408.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

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 team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The 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.

408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Bureau Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun and weapons familiarity, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.

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2. Demonstrated good judgment and understanding of critical role of SWAT member.
3. Special skills, training, or appropriate education as it pertains to this assignment; and
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun and participate in a weapons familiarity exercise. A minimum qualifying score must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

(f) SWAT members serve indefinitely until they resign from the Team or are dismissed by the SWAT Commander. Team members may be dismissed at any time, with or without cause.

408.8.2 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 CRU 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.

408.8.3 SWAT MEDIC SELECTION

In addition to meeting all requirements as basic SWAT Team members, SWAT members assigned to the auxiliary duty of Medic shall:

(a) Become certified for Basic Emergency Medical Technician--Level 1 Certification within one year of selection to SWAT; and

(b) Attend all scheduled SWAT trainings as regular SWAT members.

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408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics 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 Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CRU Commander.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender;

(b) Incidents where hostages are taken;

(c) Sniper or active shooter incidents;

(d) Cases of suicide threats;

(e) Arrests of dangerous persons;

(f) High-risk search warrant service;

(g) Any situation that necessitates additional manpower on short notice;

(h) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property; and

(i) At the direction of the Chief of Police.

408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Medford Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Bureau Commander.

408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

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(b) Members of the Medford Police Department SWAT team shall operate under the policies, procedures and command of the Medford Police Department when working in a multi-agency situation.

408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the CRU Commander. The Watch Commander will then notify the Patrol Bureau Commander as soon as practical.

The Watch Commander should advise the CRU 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 CRU Commander or supervisor shall then call selected officers to respond.

408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the CRU, field personnel should, if safe, practicable and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.

2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the CRU Commander on the situation.

(g) Plan for and stage anticipated resources.

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408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU 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 Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are not part of Crisis Response Unit 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 CRU personnel directly. All non-emergency communications shall be channeled through the Hostage Negotiation Team supervisor or his or her designee.

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Civil Disturbances

409.1 PURPOSE AND SCOPE

This policy establishes this Department's response to riotous and disturbance situations involving large gatherings of people. Medford Police Department utilizes the Mobile Response Team (MRT) in response to civil disturbances.

A Division Commander may activate the MRT at any time, following consideration of the situation.

409.2 POLICY

Medford Police Department utilizes the Mobile Response Team (MRT) in response to:

(a) Acts of civil disobedience involving significant numbers of people;

(b) Criminal behavior by large groups and riotous assemblies; and

(c) Ensuring demonstrators' right to peaceful demonstrations and assemblies.

The MRT enforces the law and maintains order by using an objectively reasonable amount of force.

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Ride-Alongs

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Medford Police Department Ride-Along Program allows the following citizen ride alongs with uniformed patrol officers:

- The officer's immediate family members;
- Members of the Department Police Explorer Post;
- Citizen's Academy attendees;
- Police Department applicants in the final stages of the application process;
- Police and criminal justice employees from other police agencies;
- Members of the news media;
- Other Medford City employees;
- Medford Police Volunteers; and
- Civilians sponsored by a Police Officer.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 16 years;
- Being under the age of 18 years without a parental written consent;
- Prior criminal history;
- Pending criminal action;
- A driving record that contains serious driving offenses;
- Pending lawsuit against the Department;
- Previous confrontations with members of this Department or other negative contacts;
- Mental or physical impairment that woudl put the officer or citizen at increased risk; or
- Denial by any supervisor.

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times are from 6:00 a.m. to midnight. Exceptions to this schedule may be made as approved by the Chief of Police, Bureau Commander, Watch Commander, or the Administration Support Division Commander.

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410.2 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, except for an established member of the Medford Police Department Explorer Post.

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.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once annually. An exception would apply to the following: CSO's, Explorers, Chaplains, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 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 Medford 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.

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410.3 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 any time.

Officers with ride-alongs shall not become involved in vehicle pursuits.

Upon completion of the ride-along, the completed ride-along form shall be returned to the Watch Commander with any comments that may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer at all times.

(b) The ride-along will remain seated in the patrol vehicle or return to the vehicle during dangerous and / or sensitive situations (i.e., homicide, sex crime, death scene, etc.).

(c) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment unless instructed to do so.

(d) 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.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) 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.

(g) 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.

(h) Ride-alongs shall not be armed with a weapon, except for certified Oregon Police Officers, who will advise the officer that they are armed.

410.4.1 COMPLETED RIDE-ALONG FORMS

Following completion of the ride-along, the completed ride-along form shall be filed and retained in the Watch Commander's Office for minimum of 2 years.

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Hazardous Material Response

412.1 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.

PROCEDURES:

- Responding to Bio-Hazardous Mail

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See Oregon Revised Statutes 453.005(7) for a complete list.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).

(b) Notify Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of immediate area and surrounding areas dependent on substance.

412.2.1 PRIMARY CONCERNS

Primary concerns at a hazardous materials situation are listed in descending order:

(a) Safety of the officer;

(b) Safety of the citizens;

(c) Safety of the environment; and

(d) Safety of buildings and equipment.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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The notified supervisor shall also notify the Health and Fitness Program Manager and the Hazardous Materials / Infectious Disease Instructor.

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.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

The employee or employees supervisor if the employee is unable, will complete a Workers Compensation form if an injury is diagnosed Oregon Revised Statutes 656.265. If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report indicating the circumstances of the event and the potential of an exposure.

412.4 TRAINING

All sworn personnel shall receive annual training on hazardous materials as mandated by Oregon Department of Public Safety Standards and Training.

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Industrial Accidents

413.1 PURPOSE AND SCOPE

Medford Police Department responds to industrial accidents where an injury has occurred. This policy establishes this Department's response to an industrial accident at a worksite where an injury has occurred under any of the following:

(a) When an accident has resulted in death or a life-threatening serious injury;

(b) When there is a possibility of a criminal act occurring in conjunction with the medical emergency;

(c) When ECSO determines the call for medical assistance is suspicious and may require an investigation;

(d) When response is requested by other emergency personnel.

413.2 OFFICER'S RESPONSE TO AN INDUSTRIAL ACCIDENT

Upon receiving a call to an industrial accident, Medford Police Department shall:

(a) Promptly respond and conduct a criminal investigation and preserving physical evidence as any other crime scene;

(b) Notify Oregon OSHA and the Watch Commander; and

(c) Document such investigation in an Incident Report.

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Hostage and Barricade Incidents

414.1 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.

414.1.1 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.

414.2 POLICY

It is the policy of the Medford 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.

414.3 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.

414.3.1 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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414.4 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.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or ECSO.

(i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU.

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The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Medfrod Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats . 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 should always be the primary consideration.

PROCEDURES:

- 416.01 PRO Responding to Explosive Devices

415.2 POLICY

It is the policy of the Medford Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

415.3 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 the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

415.3.1 PROHIBITED HANDLING OF CERTAIN DEVICES

Medford Police Department personnel shall not handle the following explosive devices:

(a) M-80's,

(b) CO-2 bombs,

(c) Display fireworks,

(d) Fireworks sold in Mexico or other foreign country,

(e) Blasting caps,

(f) Pipe bombs,

(g) Homemade explosive devices,

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(h) Plastic explosives,

(i) Detonation cord or primer cord,

(j) Any military ordinance, or

(k) Any device containing more than 2 grains of gunpowder.

In such case a perimeter should be established surrounding the device and specially trained personnel should be summoned.

415.3.2 EVIDENCE GATHERING
Small, commercially sold fireworks only, may be stored in the Property Control compound in the designated location, pursuant to Property Control Evidence Procedures.

415.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

415.4.1 MEDFORD POLICE DEPARTMENT FACILITY
If the bomb threat is against the Medford Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

415.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Medford 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 deems appropriate.

415.4.3 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 Detector Dog teams.

If the 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.

415.5 RESPONSE RESOURCES

Initial calls should be made to Oregon State Police for response to an explosive device. Secondary call-outs may be made to the following agencies:

(a) Emergency Ordnance Disposal (military) -- Vancouver Barracks, Vancouver, Washington, ph. (206) 967-5507.

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(b) EOD -- Yakima, Washington, ph. (509) 454-8376.

(c) FBI -- ph. (541) 773-2942.

(d) Treasury Department, Alcohol, Tobacco and Firearms -- Portland office, ph. (503) 326-2171.

415.6 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Medford, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, 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 the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

415.6.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander 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 Watch Commander determine that the Department will assist or control such an incident, he/she 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.

415.7 FOUND DEVICE

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.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.

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5. The areas to be evacuated or cleared.

415.8 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

415.8.1 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.

415.8.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

415.8.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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415.8.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander 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 imbedded in nearby structures or hanging in trees and bushes.

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Intoxicated Persons

416.1 PURPOSE AND SCOPE

Medford Police Department may take a person into protective custody that is in a public place, if the person is intoxicated or under the influence of an intoxicating liquor or controlled substance under the following, pursuant to ORS 430.399:

(a) There is an immediate danger to the subject's health caused by alcohol or drugs;

(b) There is an immediate danger to others due to the subject's condition;

(c) The subject is suicidal;

(d) The subject is unable to make rational decisions concerning acceptance of assistance, or is otherwise incapacitated; or

(e) The subject is intoxicated and an insulin-using diabetic.

Regardless of the subject's level of sobriety, officers shall seek emergency medical attention first, if such treatment is necessary.

416.2 RELEASE OPTIONS

Ordinarily, officers should lodge an intoxicated person at the Alcohol Treatment Center, or other medical treatment facility. However, if the person cannot be lodged at an alcohol treatment center, the following options are available:

(a) Release the intoxicated person to an acquaintance, who will assume responsibility for the person's care and well-being;

(b) Release the intoxicated person to his / her residence, where there is an acquaintance, who will assume responsiblity for the person's care and well-being;

(c) Transport the intoxicated person to a designated medical facility; or

(d) Lodge the intoxicated person in the Jackson County Jail on the appropriate criminal charge;

(e) Conclude that the intoxicated person is not a danger to himself or other persons--complete a Field Interview card and release.

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Civil Commitments

417.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

417.2 POLICY

It is the policy of the Medford Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

417.3 AUTHORITY

An officer may take a person into custody when the officer has probable cause to believe the person is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness (ORS 426.228(1)).

An officer shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the officer to deliver to the treating licensed independent practitioner (ORS 426.228(2)).

The officer shall transport the person in custody to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3).

If, upon delivery of the person to the facility, the licensed independent practitioner finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

417.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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417.3.2 EXTREMELY DANGEROUS PERSONS

An officer may take into custody an individual on conditional release from a state hospital pursuant to an order of revocation. The written order does not have to be in the possession of the officer, and may be confirmed through the Law Enforcement Data System (LEDS) (OAR 859-200-0310).

A person may be taken into custody if all of the following conditions apply (OAR 859-200-0305):

(a) An officer has reasonable cause to believe the individual is an extremely dangerous person with a mental illness (as defined by OAR 859-200-0020)

(b) The person presents a serious danger to others because of a mental disorder

(c) The person is in need of immediate care, custody or treatment

(d) The person has been civilly committed to the jurisdiction of the Psychiatric Security Review Board by a court

The officer shall transport the individual to a state hospital operated by the Oregon Health Authority (OAR 859-200-0310).

417.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions (e.g., information from LEDS).

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

417.4.1 FOREIGN NATIONALS

If an officer takes a person into custody for a civil commitment and reasonably suspects that the person is a foreign national, the officer shall inform the person of his/her right to communicate with an official from the consulate of the person's country (ORS 426.228(9)).

417.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have ECSO notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

417.5.1 CLEARANCE REQUIRED

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting officer must obtain, if possible, medical clearance from a licensed independent practitioner who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health (ORS 426.228(3)).

417.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

417.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

417.7.1 REQUIREMENTS

Officers shall use OHA form MHD 426.228 or otherwise ensure that the report states (ORS 426.228):

(a) The reason for custody.

(b) The date, time and place the person was taken into custody.

(c) The name and telephone number of the community mental health director.

417.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

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When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

417.9 FIREARMS AND OTHER WEAPONS

Whenever an individual has been detained or apprehended for examination pursuant to Oregon Revised Statutes 426.228 and is found to have in his/her possession or under his/her direct control, any firearms whatsoever or any other deadly weapons, the weapons should be taken into temporary custody for safekeeping by the handling officer if the officer reasonably believes the weapons represent a danger to the person or others if the person is released. Any weapons seized shall be booked into property pending disposition. Any weapons seized will be transported to the property room and stored as any other evidence for a minimum of 30 days.

The 30-day period provides:

- An assessment period for the weapons' owner;
- Immediate protection for those persons that would potentially be harmed by the person in possession of the weapons and for them to obtain legal protections against those potential threats;
- For the justice system to be established to begin a safe resolution to the case at hand, if criminal charges are involved; and
- For the mental health system to begin evaluation and treatment.

The 30-day period may be shortened and weapons returned in less than 30 days at the discretion of the Chief of Police, based upon extenuating circumstances. The 30-day period may be lengthened, pending judicial review, based upon extenuating circumstances. (Note: The 30-day waiting period does not apply in cases involving only the return of stolen or found property.)

If the detained subject is prohibited from possessing or carrying a firearm pursuant to ORS 166.250, the firearm should be seized as evidence and should be thoroughly documented in a crime report.

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This policy does not provide an officer with the authority or permission to conduct a search for weapons beyond that allowed under the law. 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.

Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report and direct the Property Specialist to hold the weapons pending judicial review. The handling officers shall further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

417.9.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

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

Firearms seized as property held for safekeeping shall be returned to their rightful owners (or a designated third party) following the 30-day waiting period and upon the owner completing a Firearm Return Affidavit and successfully passing a thorough background investigation, conducted by a Property Specialist.

417.9.2 DESTRUCTION OF SEIZED WEAPONS

Firearms that are ineligible to be returned to their owner and cannot be returned to an eligible third party shall be deemed forfeited and shall be destroyed pursuant to court order.

417.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

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Citation Releases

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Medford 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.

418.2 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).

418.2.1 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).

418.3 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

(a) The officer has probable cause to believe that the person has been served a valid restraining order as described in ORS 133.310 (orders relating to stalking, elder and disability abuse, sexual abuse) and the person has violated the terms of the order (ORS 133.310).

(b) The officer has probable cause to believe that the person has been charged with an offense under ORS 135.230 through ORS 135.290 (sexual offenses, domestic violence, methamphetamine crimes), and is presently released and has failed to comply with a no contact condition to the release agreement (ORS 133.310).

(c) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others (release may occur as soon as this condition no longer exists).

1. Any officer encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to him/herself or to any other person, shall transport the individual to the nearest appropriate treatment facility or sobering facility (ORS 430.399).

See the Domestic Violence Policy for release restrictions related to those investigations.

418.4 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.

418.5 POLICY

The Medford Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

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Entry Without Consent

419.1 PURPOSE AND SCOPE

Officers may make an emergency entry of any premise, without the consent of the person in possession or entitled to possession thereof, if the officers have reasonable cause to believe that entry is required to (reference ORS 133.033):

(a) Prevent serious harm to any person or property;

(b) Render aid to injured or ill persons; or

(c) Assist persons who are mentally incompetent / unable to care for themselves, are unaccompanied by a competent parent or guardian, and may be in a situation where their personal welfare is at risk.

Only uniformed officers should make an emergency forced entry into a structure. Plain-clothes officers may follow, but should remain in the vicinity of uniformed officers following the initial entry and when the situation has stabilized.

Officers making an emergency entry into a premise shall document their actions in appropriate case reports, including a detailed description of the damage done as the result of such entry.

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Foreign Diplomatic and Consular Representatives

420.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Medford Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

420.2 POLICY

The Medford Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

420.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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420.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

420.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

420.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Member of Admin and Tech Staff	No note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Service Staff	Yes note a	Yes	Yes	Yes	No for official acts. Yes otherwise	No immunity or inviolability note a
Career Consul Officer	Yes if for a felony and pursuant to a warrant, note a	Yes, note d	Yes	No for official acts. Testimony may not be compelled in any case	No for official acts, yes otherwise, note a	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts, yes otherwise	No for official acts, yes otherwise	No immunity or inviolability note a
Consulate Employee	Yes, note a	Yes	Yes	No for official acts, yes otherwise	No for official acts, yes otherwise, note a	No immunity or inviolability, note a
Int'l Org Staff, note b	Yes, note c	Yes, note c	Yes	Yes, note c	No for official acts, yes otherwise, note c	No immunity or inviolability
Diplomatic Level staff of Missions to Int'l Org	No, note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Support Staff of Mission to Int'l Org	Yes	Yes	Yes	Yes	No for official acts, yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

422.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

PROCEDURES:

- 424.01 PRO Responding to Active Shooters See attachment: 424.01 PRO Responding to Active Shooters.pdf

422.2 POLICY

The Medford 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.

422.3 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.

422.4 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.

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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:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

422.5 PLANNING

The Patrol Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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422.6 TRAINING

The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Medford Police Department relating to immigration and interacting with federal immigration officials.

426.2 POLICY

It is the policy of the Medford 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.

426.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

426.4 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.

426.4.1 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).

426.5 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.

426.6 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.

426.7 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

426.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a

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warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

426.7.2 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

426.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

426.8.1 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 ORS 147.620. A copy of the notice shall be kept

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for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

426.8.2 TIME FRAME FOR COMPLETION
Except under circumstances where there is good cause for delay, the Investigation Division supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

426.8.3 U VISA AND T VISA DOCUMENTATION
The Investigation Division supervisor shall collect written documentation regarding the number of certification forms that are (2019 Oregon Laws, c. 472, § 2):

(a) Requested by a victim.

(b) Granted.

(c) Denied, with the reason for denial.

The Investigation Division supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Division for annual reporting to the Oregon Criminal Justice Commission.

426.9 TRAINING
The Training Coordinator 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

428.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day via the Quick Response Team (QRT). 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.

428.1.1 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 ECSO.

428.1.2 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. Pacific Power and Light Company (PPL) or Public Works should be promptly notified, as appropriate.

428.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Medford Water Commission 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.

428.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by ECSO.

428.2 TRAFFIC SIGNAL MAINTENANCE

The City of Medford contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Oregon.

428.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the ECSO of the location and problem with the signal. The dispatcher should make the necessary notification to Public Works. Officers have the responsibility address any hazard caused by malfunction of any inoperative or malfunctioning signal.

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Aircraft Accidents

432.1 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.

PROCEDURES:

- 434.01 PRO Airport Emergencies

432.1.1 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.

432.2 POLICY

It is the policy of the Medford Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

432.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

432.4 ALERT AND ALARM STATUS PHASES

(a) "ALERT" status phases are as follows:

1. **ALERT 1** '" Stand-by Alert Indicating an aircraft approaching the Airport is in minor difficulty; e.g. feathered engine, oil leak, etc. Emergency equipment and crews shall proceed to positions and stand-by.

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2. **ALERT 2** "' Potential Emergency Indicating an aircraft approaching the Airport is in major difficulty; e.g. engine on fire, faulty landing gear, no hydraulic pressure, etc. Airport Fire (ARFF) may establish radio contact with other back-up units. Emergency equipment shall proceed to positions and stand-by.
3. **ALERT 3** "'Aircraft Crash Indicating an aircraft has crashed or is down within a one-mile radius of the airport. Emergency equipment should immediately proceed to the scene.
4. **ALERT 4** "' Structural / Grass Fire / Medical Miscellaneous occurrences such as structural or grass fires, medical emergencies, etc., within our response area. Emergency equipment shall immediately proceed to the scene of the incident.

(b) The following ALARM status shall indicate the number of passengers aboard an involved aircraft during an emergency situation:

1. **FIRST ALARM** "' 0 to 4 passengers Respond one MPD to stand by at the ARFF station.
2. **SECOND ALARM** "' 5 to 10 passengers Respond two MPD units to stand by at the ARFF station.
3. **THIRD ALARM** "' 11 to 20 passengers Respond all available MPD units to the ARFF station.
4. **FOURTH ALARM** "' 21+ passengers Respond all available MPD units to the ARFF station.

432.5 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

432.6 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

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(b) Appropriate airport tower

(c) Emergency medical services (EMS)

432.7 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) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

432.8 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.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

432.9 DOCUMENTATION

All aircraft accidents occurring within the City of Medford 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 MPD 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.

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432.9.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

432.9.2 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.

432.10 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should 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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Police Training Officer Program

434.1 PURPOSE AND SCOPE

The Police Training Officer Program (PTO) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Medford Police Department.

It is the policy of this department to assign all new police officers to a structured Police Training Officer Program that complies with DPSST training requirements and that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

The Medford Police Department utilizes the Reno Model Police Training Officer (PTO) program to instruct, evaluate and mentor trainees.

434.2 POLICE TRAINING OFFICER SELECTION AND TRAINING

The Police Training Officer (PTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

434.2.1 SELECTION PROCESS

PTO's will be selected based on the following requirements:

(a) Desire to be an PTO;

(b) Minimum of four years of patrol experiences, two of which shall be with this department (this requirement will be at the discretion of the Chief of Police or his/her designee)

(c) Demonstrated ability as a positive role model;

(d) Participate in and be selected from an internal oral interview selection process;

(e) Evaluation by supervisors and current PTO's; and

(f) Possession of a DPSST Basic Certificate.

434.2.2 TRAINING

An officer selected as a Police Training Officer shall successfully complete a Reno Model Police Training Officer's Course approved by DPSST prior to being assigned as a PTO.

All PTO's must complete a Patrol Training Officer update course every three years while assigned to the position of PTO.

434.3 POLICE TRAINING OFFICER PROGRAM SUPERVISOR

The PTO supervisor will be selected from the rank of sergeant or above by the Patrol Bureau Commander 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 Coaching and Training reports are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual PTO performance.

(f) Monitor overall PTO Program.

(g) Maintain liaison with academy staff on recruit performance during the academy.

(h) Develop ongoing training for PTOs.

434.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Medford Police Department who has successfully completed a DPSST approved Basic Academy or the equivalent thereof from another state.

434.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Police Officer Training Program, consisting of a minimum of 21 weeks. The following is an outline of the typical trainee training program through the PTO Model:

i. Phase A - Non-Emergency Response Phase (four weeks)

ii. Phase B - Emergency Response Phase (four weeks)

iii. Mid-term evaluation (one week)

iv. Phase C - Patrol Activities (four weeks)

v. Phase D - Criminal Investigations (four weeks)

vi. Final evaluation (two weeks)

vii. Traffic phase (two weeks)

* Note - During Phases A-D (excluding Mid-term evaluation) Focus Activities, Problem-Based Learning Exercises (PBLE), and the Neighborhood Portfolio Exercise (NPE) are assigned. The trainee will complete the Focus Activities and PBLE assigned prior to the end of that respective phase. The NPE will be assigned at the beginning of Phase A and will be worked on throughout the listed phases to culminate in a short presentation. The presentation will be given once the trainee has successfully completed field training. The presentation will be given by the trainee at a time and place designated by the Division Commander.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

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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.

434.5.1 FIELD TRAINING MANUAL
Each new officer will be issued a Field Training Manual provided by DPSST 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 Medford Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Medford Police Department.

434.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

All documented communication between trainees, PTOs, and the PTO Supervisor are to be completed in the Crown Pointe program. These formal, documented reports are as follows:

(a) Weekly Coaching and Training Reports (CTRs) - required during all four phases of training

(b) Mid-Term evaluation

(c) Final Evalution

(d) Focus Activities

(e) Problem-Based Learning Exercise (PBLE)

(f) Neighborhood Portfolio Exercise (NPE)

434.6.1 POLICE TRAINING OFFICER
The PTO will be responsible for the following:

(a) The PTO will take one case handled by the recruit from the current work week and review it using the Core Competencies as outlined in Crown Pointe. If there are matters that need to be documented that fall outside the scope of the case chosen for that week, those observations and addiitonal evaluations should be noted in the "Header" section for that week's CTR. The "Header" section of the CTR is to be used in lieu of the PTO keeping a daily personal observation journal. The PTO will keep notes throughout the week in order to accurately complete the task of "Header" documentation. The PTO may use whatever means convenient for them to take these notes i.e. notebook, electronic device, etc.

(b) Trainers should be providing a verbal re-cap of the day's events with the trainee at the end of each shift. These re-caps are to reiterate any corrections or praises

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given throughout the day and to ensure the trainee understands areas that need improvement.

(c) The PTO assigned for the Mid-Term and Final evaluations will complete a detailed report on the recruit's performance documenting topics of discussion, cases handled, corrections made, areas of accelerated performance and an overall evalution of the recruit's performance.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

434.6.2 IMMEDIATE SUPERVISOR

The assigned PTO's immediate supervisor has the authority to temporarily modify any aspect of the new officer's training. When practical, the immediate supervisor should confer with the PTO supervisor prior to modifying the training program.

If the immediate supervisor becomes aware of a serious issue regarding the trainee, the immediate supervisor should contact the PTO supervisor as soon as possible once the issue has been brought under control and addressed appropriately.

434.6.3 POLICE TRAINING OFFICER SUPERVISOR

The PTO Supervisor shall review and approve all Coaching and Training Reports.

The PTO Supervisor shall stay in verbal contact with active PTO's obtaining performance information verbally from the trainers.

Based on the reports, the PTO Supervisor will recommend remedial training for the recruit if necessary.

434.6.4 TRAINEE

At the completion of the trainee's PTO Program, the trainee shall submit a confidential performance evaluation on each of their PTO's and on the PTO Program in general.

434.7 DOCUMENTATION

All documentation of the PTO Program will be retained in the officer's training files (within the Crown Pointe program) and will consist of the following:

(a) Weekly Coaching and Training Reports;

(b) Mid-Term and Final Evaluations;

(c) Focus Activities;

(d) Problem-Based Learning Activites;

(e) Neighborhood Portfolio Exercise; and

(f) A Basic Police Officer Certificate certifying that the trainee has successfully completed the required number of hours of field training. This certificate will be retained by the current department Training Coordinator in the officer's training file.

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Police Training Officer Program

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Contacts and Temporary Detentions

438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

438.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile/Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others (ORS 131.625).

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Stop - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed or is about to commit a crime (ORS 131.615).

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

438.2 POLICY

The Medford Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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438.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Medford Police Department to strengthen community involvement, community awareness, and problem identification.

438.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in the area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

438.4 FRISK OR PAT-DOWN SEARCHES

A frisk or pat-down search of a stopped person may be conducted whenever an officer reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the officer or other persons present (ORS 131.625). The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover oofficer should be positioned to ensure safety and should not be involved in the search.

438.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

438.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

438.5.2 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. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

438.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review it and forward the photograph to one of the following locations:

(a) If the photo and associated FI or documentation is relevant to criminal organization/ enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Division.

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When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

438.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

438.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

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

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Clandestine Drug Labs

440.1 PURPOSE AND SCOPE

Clandestine drugs labs pose a serious threat to Department personnel as well as the general public.

In responding to clandestine drug labs, the goals are to:

(a) Stabilize the situation;

(b) Render the scene safe for specially trained and equipped personnel to later respond for dismantling and clean-up; and

(c) Obtain physical evidence to support prosecution.

It is the policy of this Department to respond to clandestine drug labs only with specially trained and equipped personnel.

PROCEDURES:

- 443.01 PRO Responding to Clandestine Drug Labs

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Watch Commanders

441.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

441.2 DESIGNATION AS ACTING WATCH COMMANDER

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

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Mobile Audio Video

443.1 PURPOSE AND SCOPE

The Medford Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

443.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

443.2 POLICY

It is the policy of the Medford Police Department to use mobile audio and video technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

443.2.1 MAV RECORDINGS ARE PROPERTY OF THE CITY OF MEDFORD

MAV recordings shall not be distributed or shown to anyone outside of the Medford Police Department, the City Attorney's office, or the District Attorney's Office without the express consent of the Chief of Police or designee, or by court order.

Such recordings are property of the City of Medford and shall be handled as any other evidence.

Officers may retain copies of their own MAV recordings for work related purposes. However, these recordings must remain in the custody of the officer and within the confines of the police department. MAV recordings shall not be shown to any unauthorized persons, nor posted on any computer network or website.

443.2.2 MAV EQUIPPED VEHICLES SHALL NOT BE USED TO JUMP-START OTHER VEHICLES

MAV-equipped vehicles shall not be used to jump-start other vehicles using jumper cables at any time as this may result in damage to the MAV system.

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443.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Medford Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

443.3.1 VIDEO CLASSIFICATIONS AND RETENTION PERIODS

Video events shall be defined in one of the following classifications. The maximum retention periods are listed next to each classification.

- Arrest (5 years);
- Calls for Service (365 days);
- CID Interview Room (5 years);
- Default Rule (365 days);
- Detox (365 days);
- DUII (5 years);
- Field Interview (365 days);
- Mental Hold (365 days);
- Other (365 days);
- Threshold Incident (5 years);
- Traffic Crime (5 years);
- Traffic Stop (365 days);
- Transport (365 days).

443.3.2 GENERAL RECORDS RETENTION SCHEDULE

The Medford Police Department will comply with the General Records Retention Schedule mandated by OAR Chapter 166. (Minimum retention periods per OAR 166 are: (a) Tapes used as evidence, retain until case reaches final disposition; (b) Tapes used for internal investigations,

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retain until investigation ends; (c) All other tapes, retain for 30 days.) The Department currently meets or exceeds the retention requirements.

443.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record. Whenever the audio portion is activated, officers should, whenever possible, advise all persons present that they are being recorded in accordance with ORS 165.540(5)(c).

443.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify ECSO

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls

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2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

443.4.2 RIGHTS OF SYSTEM USERS

The following Medford Police Department work groups are given the following user rights, which are programmed by the system administrator:

(a) Patrol:
    1. Create case file;
    2. Playback own video;
    3. Edit bookmarks / Classify / Snapshots / Property;
    4. Export video.

(b) Detective / Sergeant / Lieutenant / Deputy Chief / Chief:
    1. All rights except:
        (a) Delete;
        (b) Archive;
        (c) Manage / Configure.

(c) Property Control:
    (a) All rights except:
        (a) Manage / Configure.

(d) Records:
    1. Playback all video.

(e) Systems Administrator / Deputy Chief / Lieutenant
    1. All rights.

443.4.3 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

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443.4.4 WHEN ACTIVATION IS NOT REQUIRED
Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

443.4.5 SUPERVISOR RESPONSIBILITIES
Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of ECSO.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

443.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

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To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of conduct

(c) By a supervisor to assess performance

(d) To assess proper functioning of MAV systems

(e) By a department investigator, after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the or the authorized designee

(i) By the media through proper process or with permission of the or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

443.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

443.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

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443.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

443.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Medford Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

443.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

443.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

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(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

443.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Mobile Digital Computer Use

445.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and ECSO.

445.2 POLICY

Medford 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.

445.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

445.3.1 UNAUTHORIZED SOFTWARE

Officers shall not install any unauthorized software onto any City-owned MDC.

445.4 CONFIDENTIALITY OF MDC COMMUNICATIONS

Officers shall guard against divulging any and all information of a confidential nature that is displayed on an MDC screen to any unauthorized persons outside of the police vehicle, or to any citizens, persons in-custody or anyone else seated inside the vehicle.

445.5 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system

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unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS rules and policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

445.5.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

445.6 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

445.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

445.6.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

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Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

445.7 EQUIPMENT CONSIDERATIONS

445.7.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify ECSO. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

445.7.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Portable Audio/Video Recorders

447.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment (ORS 133.741).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Medford Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

447.2 POLICY

The Medford 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.

447.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in their official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

447.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, MPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required

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when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

447.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify ECSO

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Unless there are exigent circumstances or concerns for the safety of the member or any other person, body-worn cameras shall be activated whenever the officer has or develops reasonable suspicion or probable cause that an offense has been or will be committed by a person in contact with the member (ORS 133.741).

Members shall notify all parties to the conversation that a recording is being made unless pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7) and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endangers human life) (ORS 165.540).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

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447.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

447.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

447.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

447.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All recordings shall be retained at the Department or by a Department-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the 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, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

447.6.1 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

447.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

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A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone's privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

447.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

(e) By the union in the course of representation of an officer in an adminstrative or OIS investigation.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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447.9 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

447.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Recordings made from body-worn video cameras no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741).

447.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

447.10.2 STORAGE OF DATA BY VENDORS

Any contract with a third-party vendor for data storage of recordings from body-worn video cameras must state that all recordings are the property of the Medford Police Department, not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the Medford Police Department (ORS 133.741).

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Medical Marijuana

449.1 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.

449.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

Caregiver (or designated primary caregiver) - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a person's attending physician; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS 475B.791; ORS 475B.807; ORS 475B.801).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed (ORS 571.269).

Mature marijuana plant - A marijuana plant that has flowers (ORS 475B.791).

Medical use of marijuana - The production, processing, possession, delivery, distribution, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by his/her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475B.913). This includes a person who has been issued a valid RIC for his/her medical condition (ORS 475B.797).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475B.804, the person's designated

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primary caregiver (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Statutory possession and grow site amounts - Amounts authorized by ORS 475B.831 and ORS 475B.834.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS 475B.791).

449.2 POLICY

It is the policy of the Medford 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 Medford 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.

449.3 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.

449.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

449.3.2 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).

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Cardholders are required to possess a RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475B.837). However, officers should treat a person without a RIC in his/her possession as if it were in his/her possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

449.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not take enforcement action against a patient who does not have a RIC for possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the patient meets all of the following (ORS 475B.913):

(a) Is engaged in the medical use of marijuana

(b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Officers should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession quantities or below statutory grow site quantities; and the person's medical use claim appears genuine under the circumstances (ORS 475B.913).

449.3.4 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.

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4. Any other relevant factors exist, such as limited available department resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor 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).

449.3.5 EXCEPTIONS

Medical marijuana users are generally not exempt from other criminal laws and officers should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Officers may take enforcement action if the person (ORS 475B.910):

(a) Drives under the influence of marijuana as provided in ORS 813.010.

(b) Engages in the medical use of marijuana in a place where the general public has access (ORS 161.015), in public view, or in a correctional facility (ORS 162.135(2)), or in a youth correction facility (ORS 162.135(6)).

(c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.

(d) Delivers marijuana to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If an officer knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS 475B.545 to ORS 475B.429), the officer shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS 475B.300).

449.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be registered with the Oregon Department of Agriculture (ODA) to grow or handle industrial hemp or produce agricultural hemp seed. Growers and handlers who produce seed products incapable of germination are not required to be registered with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

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449.4 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.

449.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section will hold drug evidence obtained by the officer or detective until presented with a court order for final disposition of the evidence, the case has been adjudicated or passed the statue of limitations for prosecution. The Property and Evidence Section is not responsible for caring of live plants or the storage of root balls (ORS 475B.922).

After the adjudication or statute of limitations has passed, a Property Specialist will request a disposition from the DA's Office / court and the assigned officer or detective.

An email notification will be sent through the computerized evidence system to the detective or officer for authorization of disposal. After response has been received from the detective or officer, the authorization will be placed with the property report and a court order will be obtained for the disposal of drug evidence.

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Foot Pursuits

455.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

455.1.1 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.

455.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

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(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

455.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders them incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to 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.

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(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

455.4 RESPONSIBILITIES IN FOOT PURSUITS

455.4.1 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) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officers unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct

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further actions as reasonably appear necessary, to include requesting media aid as needed for officers, suspects or members of the public.

455.4.2 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.

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.

455.4.3 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 shall promptly proceed to the termination point to direct the post-foot pursuit activity.

455.4.4 ECSO RESPONSIBILITIES
Upon being notified or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

455.5 REPORTING REQUIREMENTS
The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) Date and time of the foot pursuit.

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(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Any injuries and/or medical treatment.

(h) Any property or equipment damage.

(i) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Bicycle Patrol Program

457.1 PURPOSE AND SCOPE

The Medford Police Department has established the Bicycle Patrol Program (BPP) 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.

457.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Program Manager or Watch Commander.

457.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to the Bicycle Patrol Program Manager of their interest to become certified for bicycle patrol. They must have a recommendation from their current supervisor. Interested personnel shall be evaluated by the following criteria:

(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.

Final selection will be based upon recommendations by the BPP Manager and made by the Patrol Bureau Commander.

457.3.1 BICYCLE PATROL UNIT MANAGER

The Bicycle Patrol Program Manager shall have responsibility for the following:

(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.

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(e) Coordinating activities with the Patrol Bureau.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Program.

457.4 TRAINING

Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. Thereafter bicycle patrol officers shall maintain their department certification unless the program manager believes them to be in need of additional 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

457.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, and body armor. Protective eyewear, footwear, and riding gloves are recommended.

The bicycle patrol program uniform consists of the department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or cold weather thermal shirts are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

457.6 CARE AND USE OF PATROL BICYCLES

Officers will sign out a specially marked and equipped patrol bicycle with attached gear bag. When riding in darkness, Officers will attach a head light and red tail light.

Bicycles utilized for uniformed bicycle patrol shall be equipped with front and rear reflectors, front lights and a horn satisfying the requirements of Oregon Revised Statutes § 815.280(2). Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls.

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Each bicycle shall be equipped with a flashing blue warning light that is visible from the front, sides, or rear of the bicycle. Unless the patrol bicycle is equipped with an emergency light and siren meeting the requirements set forth in the Oregon Revised Statutes and Oregon Administrative Rules, it does not qualify as an emergency vehicle and operators are not exempt from the rules of the road.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the bicycle patrol unit manager for repair by an approved technician.

Each bicycle will have scheduled maintenance yearly and said maintenance shall be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty. All personal gear, forms, etc. shall be removed from the gear bag(s) at the end of the tour of duty.

During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Except in the event of an emergency officers shall not remove or add components or modify the patrol bicycle without the expressed approval of the bicycle patrol unit manager.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Except when emergency circumstances preclude doing so, patrol bicycles should be properly secured when not in the officer's immediate presence.

457.7 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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School Resource Officers

458.1 PURPOSE AND SCOPE

Medford Police Department staffs Police Officers full-time in Medford middle and high schools. They are known as School Resource Officers (SRO's).

This policy defines their role and relationship within the 549C School District.

PROCEDURES:

- 461.01 PRO Interviewing Juveniles at School

FORMS:

- 461.02 FRM Motion and Order for Temporary Custody
- 461.03 FRM Affidavit for Temporary Protective Custody

458.1.1 ROLE OF THE SCHOOL RESOURCE OFFICER

The role of School Resource Officers is to:

(a) Interact with students on a daily basis to provide a positive image of police officers and law enforcement, in general;

(b) Share educational resources for instructional programs dealing with law enforcement, health and safety, and drug and alcohol education;

(c) Assist counselors and school staff with troubled students;

(d) Ensure an atmosphere of safety and security on school campuses;

(e) Facilitate a more coordinated effort in dealing with youth problems involving school, parents, police and other community agencies and organizations; and

(f) Develop and establish programs of delinquency prevention.

458.1.2 DUTIES OF THE SCHOOL RESOURCE OFFICER

Duties of the School Resource Officer include:

(a) Establish, develop and maintain a positive rapport with students;

(b) Establish and maintain security on school campuses;

(c) Provide classroom presentations on topics of mutual interest to students;

(d) Assist school counselors with informal counseling to troubled students;

(e) Assist school staff with supervision at school activities;

(f) Provide an information resource to students interested in a law enforcement career;

(g) Investigate criminal activity involving students; and

(h) Prepare an annual report and analysis of total activities.

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Automated License Plate Readers (ALPRs)

459.1 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 Medford 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, suspect interdiction and stolen property recovery.

459.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Support Bureau Commander. The Administration Support Bureau Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

459.3 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 officer shall attempt to verify an ALPR response through the Law Enforcement Data System (LEDS) 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.

459.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Medford Police Department and because such data may contain confidential LEDS information, it is not open to public

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review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Administration Support Bureau Commander 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 90 days between transfers.

All ALPR data downloaded to the server should be stored for a minimum of 180 days and thereafter may 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.

459.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Medford 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 Records Manager 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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Homeless Persons

461.1 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 Medford Police Department recognizes that members of the homeless community are often in need of special protection and services. The Medford 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.

461.1.1 POLICY

It is the policy of the Medford 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.

461.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy Section 804 and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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461.3 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. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

461.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

461.4 HOMELESS ENCAMPMENTS

Officers who encounter encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not immediately remove or destroy such property and should investigate further to determine if such property appears to involve a trespass, blight to the community or is the subject of a complaint.

Encampment clean-up efforts, such as Bear Creek Greenway sweeps should involve appropriate social service agencies to facilitate displacement of the homeless.

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461.4.1 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property pursuant to Medford Municipal Code 5.257 (Prohibited Camping), officers shall:

(a) If individuals are present, advise violators that they are camping on public property and such encampments are illegal.

(b) Post the area with a notice in English and Spanish advising the violators to vacate within 24 hours. This same notice shall list a local agency that delivers social services to homeless individuals.

(c) Notify the agency listed on the posting of the campsite's location.

(d) Obtain a case number and prepare a police report documenting the incident.

The 24-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping violation is occurring or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, or when there is immediate danger to human life or safety (ORS 203.079).

461.4.2 CAMPING ON PRIVATE PROPERTY

Camping on private property without the owner’s permission should be handled as a trespass complaint. Owners of private property may allow individuals to camp, provided they do so in a manner consistent with provisions of the Medford Camping Ordinance.

461.4.3 CAMPING IN CITY PARKS

Illegal campers found in City parks during hours the parks are closed may be cited or arrested for violation of Medford Municipal Code 5.255 (Hours of Park Closure).

461.5 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee’s personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual(s) from the camp site (ORS 203.079(d)).

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All property collected for safekeeping shall be stored for a minimum of 30 days. The Property Specialist shall ensure that reasonable efforts are made to inform the owner of status of the property and inform him/her of how and when such property may be claimed (ORS 203.079(d)).

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer.

461.6 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if the person consents and approved by a supervisor.

461.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Public Recording of Law Enforcement Activity

462.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

462.2 POLICY

The Medford Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

462.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (ORS 165.540).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

462.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

462.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

462.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless ("First Amendment Privacy Protection, Unlawful Acts", 42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to

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be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Suspicious Activity Reporting

463.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

463.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

463.2 POLICY

The Medford Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

463.3 RESPONSIBILITIES

The Criminal Investigations Bureau Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Criminal Investigations Bureau Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

463.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

463.5 HANDLING INFORMATION

The Records Division will forward copies of SARs, in a timely manner, to the following:

- Investigation Division supervisor
- Crime Analysis Unit
- Other authorized designees

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Crisis Intervention Incidents

464.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

464.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

464.2 POLICY

The Medford Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

464.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

464.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Bureau Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

464.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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464.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

464.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available.

If Dispatch is no longer in communication with the complainant an officer should be assigned to attempt to locate the following information:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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464.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

464.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

464.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

464.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

464.11 EVALUATION

The Bureau Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

464.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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Medical Aid and Response

465.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

465.2 POLICY

It is the policy of the Medford Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

465.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact ECSO and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide ECSO with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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465.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

465.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

465.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

465.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

465.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

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- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

465.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a course with published standards and guidelines for CPR and the use of an AED.

465.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Coordinator who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact ECSO as soon as possible and request response by EMS.

465.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

465.9.3 AED TRAINING AND MAINTENANCE

The Training Coordinator should ensure appropriate training is provided to members authorized to use an AED.

The Training Coordinator is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

465.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Only members who possess a current and valid certification may administer opioid overdose medication or members may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the member (OAR 333-055-0110; OAR 333-055-0115).

465.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure

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they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

Any member who administers an opioid overdose medication should contact ECSO as soon as possible and request response by EMS.

465.10.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Coordinator will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

465.10.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Coordinator should ensure training and retraining is provided to members authorized to administer opioid overdose medication. Training shall be coordinated with the Oregon Health Authority, Public Health Division (OAR 333-055-0110).

465.11 FIRST AID TRAINING
Subject to available resources, the Training Coordinator should ensure officers receive periodic first aid training appropriate for their position.

465.12 ADMINISTRATION OF EPINEPHRINE
In an emergency situation when a licensed health care professional is not immediately available, members who have successfully completed educational training for severe allergic responses may administer epinephrine (ORS 433.825).

465.12.1 EPINEPHRINE USER RESPONSIBILITIES
Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

Any member who administers epinephrine should contact ECSO as soon as possible and request response by EMS.

465.12.2 EPINEPHRINE REPORTING
Any member administering epinephrine should detail its use in an appropriate report.

465.12.3 EPINEPHRINE TRAINING
The Training Coordinator should ensure that training is provided to members authorized to administer epinephrine (ORS 433.815; ORS 433.817; OAR 333-055-0030).

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First Amendment Assemblies

466.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

466.2 POLICY

The Medford 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.

466.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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466.3.1 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.

466.4 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 ECSO, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

466.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

466.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

466.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

466.5.3 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).

466.6 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.

466.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

466.8 ARRESTS

The Medford 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).

466.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

466.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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466.11 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, ECSO records/tapes

(g) Media accounts (print and broadcast media)

466.11.1 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.

466.12 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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Civil Disputes

467.1 PURPOSE AND SCOPE

This policy provides members of the Medford 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.

467.2 POLICY

The Medford 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.

467.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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467.4 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.

467.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

467.5 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.

467.6 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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Civil Disputes

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

PROCEDURES:

- 500.01 PRO Receiving Citizen's Traffic Complaints See attachment: 500.01 PRO Receiving Citizen Traffic Complaints.pdf
- 500.02 PRO Setting Up the Radar Trailer See attachment: 500.02 PRO Radar Trailer Set-Up.pdf

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Medford Police Department. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating an officer's overall performance. The visibility and quality of an officer’s work effort will

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be commensurate with the philosophy of this policy. Officers attempting to enforce traffic laws shall be in Medford Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority (ORS 810.400). Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Officers at the scene of a traffic accident and, based upon the officer’s personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense (ORS 810.410(4)).

500.3.3 PHYSICAL ARREST
Officer may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

(a) Driving Under the Influence of Intoxicants.

(b) Hit-and-Run.

(c) Attempting to Elude.

(d) Reckless Driving with extenuating circumstances.

(e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation.

500.3.4 ROADSIDE SAFETY CHECKS
Medford Police Department does not conduct, nor participate in roadside safety checks.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to ORS 810.410.

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Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

500.5 HIGH-VISIBILITY VESTS

The Medford Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; OAR 437-002-0134).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

A high-visibility vest is issued to each officer and shall be carried with each officer in each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored in order to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure they have a serviceable high-visibility vest with them.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Coordinator should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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500.6 ANNUAL REPORT

The Traffic Team supervisor completes an annual report and analysis of traffic collisions and traffic enforcement activities at the end of the calendar year. Such annual report shall include the following:

(a) Compilation and review of traffic collision data and comparison with enforcement activities;

(b) Compilation and review of general traffic enforcement activities, Department-wide;

(c) Compilation, review and evaluation of selective traffic enforcement activities; and

(d) Planning for future deployment and techniques for general traffic enforcement and selective enforcement activities.

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Photo Traffic Enforcement

501.1 PURPOSE AND SCOPE

Medford Police Department employs reserve officers, per OAR 259-008-0005 and ORS 133.005 (4), to conduct photo radar enforcement, pursuant to Oregon Revised Statutes 810.438-439. Refer to POL 313 Reserve Officers for further details.

501.2 PHOTO RED LIGHT CAMERAS

Medford Police Department conducts photo enforcement of specific street intersections for red light violations.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Medford 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.

PROCEDURES:

- 502.01 PRO Responding to Fatal Traffic Accidents See attachment: 502.01 PRO Responding to Fatal MVA.pdf
- 502.02 PRO Accidents Involving Public-Owned Vehicles See attachment: 502.02 PRO Accidents Involving Public-Owned Vehicles.pdf
- 502.03 PRO Railroad Crossing Collision Investigations See attachment: 502.03 PRO Responding to Railroad Crossing Collisions.pdf

FORMS:

- 303.02 FRM Review of Threshold Incident See attachment: 303.02 FRM Review Threshold Incs..pdf
- Supervisors Incident Report Form See attachment: Supervisors Incident Report Form EFILL AND PRINT.pdf

502.2 RESPONSIBILITY

The Special Services Sergeant will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report. The Special Services Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

The Special Services Sergeant will be responsible for reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required. The Records Section will be responsible for monthly reports on traffic collision statistics to be forwarded to the Operations Bureau Commander and the Oregon Traffic Safety Commission.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

A **public-owned vehicle** is any vehicle owned by the City of Medford, Medford Water Commission and any government agency outside the City of Medford. These do not include vehicles owned by public utility companies (i.e., Qwest, Charter, Avista, etc.)

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Upon report of a motor vehicle accident involving a public-owned vehicle, a police officer shall respond promptly to the scene and:

(a) Summon the Watch Commander or other supervisor, who shall promptly respond;

(b) Conduct a complete investigation;

(c) Take photographs and measurements;

(d) Issue citations as directed by a supervisor; and

(e) Complete a traffic incident report.

The responding supervisor shall:

(a) Respond to the accident scene and oversee the investigation;

(b) Consider having an ouside police agency conduct the primary accident investigation;

(c) Initiate a STAR Team call-out if there is a serious injury or fatality;

(d) Complete a Threshold Incident Form (FRM 303.02);

(e) Notify the involved employee's supervisor if they work for a City Department other than Police; and

(f) Refer the report to the City Attorney's Office for review.

502.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES
The responding supervisor shall:

(a) Respond to the accident scene and oversee the investigation and determine:

1. The primary cause of the accident;

2. If the accident was preventable;

3. If there are any contributing factors; and

4. Determine if the incident necessitates initiating an internal affairs investigation.

(b) Retrieve the video memory disk from the MAV system, if any of the involved vehicles are owned by the City of Medford and are equipped with such system.

(c) Consider having an outside police agency conduct the primary accident investigation.

(d) Initiate a STAR Team call-out if there is a serious injury or fatality.

(e) Complete a Human Resource's / Risk Management Supervisor's Incident Report.

(f) Refer the report to the City Attorney for review.

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The term **serious injury** is defined as any injury that results in hospitalization.

502.4.3 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports are not required for collisions occurring on private property or premises open to the public unless there is a death or injury to any person involved or the collision is part of a crime (i.e. DUII, Reckless Driving, Hit and Run). If a collision report is taken on premises open to the public it is required to be written on an Oregon Police Traffic Crash Report.

502.4.4 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within this jurisdiction 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 garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet (Oregon Revised Statutes 822.600).

(d) All hit-and-run violations as defined by Oregon Revised Statutes 811.700 and 811.705.

(e) The collision meets the criteria for operators to submit a State Accident Report to the Department of Motor Vehicles.

(f) An involved party requests a traffic collision report.

502.4.5 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.

502.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Special Services Sergeant and initiate a STAR Team call-out to investigate the traffic collision.

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing or impounding a vehicle by or at the direction of the Medford Police Department.

DEFINITIONS:

- ***Impounded vehicle*** -- A vehicle towed at the direction of police and vehicle is held until released is approved by police and / or the person seeking release of the vehicle meets certain requirements. The vehicle may be stored in police custody or in custody of a private towing company.
- ***Towed vehicle*** -- A vehicle towed either at the direction of the owner, operator or police with no hold requirements and its release is immediately available following payment of towing and storage fees to the towing contractor. The vehicle is stored in the custody of a private towing company.

PROCEDURES:

- 510.01 PRO Inventorying Towed Vehicles See attachment: 510.01 PRO Inventorying Towed VehiclesREV.pdf
- 510.02 PRO Seizing Vehicles as Evidence See attachment: 510.02 PRO Seizing Vehicles as Evidence.pdf

510.1.1 VEHICLE TOW AND IMPOUND CRITERIA

Officers may tow or impound vehicles in response to the following circumstances:

(a) Abandoned vehicles.

(b) Vehicles left standing in or partially blocking the roadway and constituting a hazard in violation of Medford Municipal Code or Oregon Revised Statutes.

(c) As a recovered stolen vehicle.

(d) A vehicle disabled in a collision.

(e) As evidence pursuant to a criminal investigation.

(f) When probable cause exists to believe the vehicle is subject to forfeiture under the Oregon Criminal Forfeiture Law, HB 3457, 2005.

(g) When the operator is cited for one of the following traffic crimes / violations and a public safety or community caretaking risk would result if the vehicle were left at the scene:

1. Driving while suspended or revoked (Oregon Revised Statutes 809.720).
2. Operating without driving privileges, or in violation of license restrictions (Oregon Revised Statutes 809.720).

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3. Driving while under the influence of intoxicants (Oregon Revised Statutes 809.720).
4. Driving uninsured (Oregon Revised Statutes 809.720).

510.1.2 MANDATORY TOWING AND IMPOUND REQUIREMENTS
Officers **shall** tow or impound a motor vehicle at any time:

(a) When the vehicle and / or its contents are subject of a criminal investigation and meets criteria authorized by ORS 133.535 (permissible objects of search and seizure).

(b) Whenever the driver is cited or arrested for violation of any statute defined under ORS 809.720 and towing the vehicle is justified under any below-listed community caretaking concern:

1. Protection of the vehicle and contents for the owner's benefit;
2. Safety of the public when the driver is a chronic / repeat offender or there is a likelihood that the vehicle will continue to be illegally operated by the driver or any other persons; or
3. Any other reason as defined by Oregon Revised Statute 133.033.

510.1.3 EXCEPTIONS TO TOWING OR IMPOUNDING A VEHICLE
Officers **should not** tow or impound a vehicle if any of the following conditions is present, which is then weighed against the previously-mentioned community caretaking towing justifications:

(a) If by towing the vehicle the safety of any person is placed in jeopardy;

(b) The vehicle is parked on private property on which the registered owner or operator is legally residing;

(c) The property owner is present in the vehicle at the time of the stop, is in possession of a valid operator's license and is legally able to operate the vehicle;

(d) A passenger in the vehicle other than the registered owner is present at the time of the stop, has a valid operator's license and is willing, legally able and permission from the owner to operate the vehicle; or

(e) The vehicle is legally parked at a time and place where the likelihood of it being subject to theft and / or vandalism is remote and neither traffic flow nor public safety is impeded.

510.2 RESPONSIBILITIES

The responsibilities of those officers towing or impounding a vehicle are as follows.

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510.2.1 VEHICLES CONSTITUTING A HAZARD OR OBSTRUCTION

Officers may take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended when it creates a hazard or obstruction. Hazards and obstructions may include vehicles that are (ORS 819.120):

(a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.

(b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway (ORS 819.120 (2)(b)).

Officers should use sound judgment in balancing the need to correct a hazardous situation with the potential hardship to a vehicle owner/operator before towing such a vehicle.

Officers impounding a vehicle shall complete a vehicle impound report. A copy is to be given to the tow truck operator and the original is to be submitted along with the incident report to the Records Division as soon as practicable after the vehicle is stored. Additionally, Officers are responsible for completing the standardized tow letter and providing this to the Records Division along with the impound report and incident report.

Records Division personnel shall promptly enter pertinent data from the completed vehicle impound report into the state's Law Enforcement Data Systems (LEDS).

Once a vehicle impound report is approved and forwarded to the Records Division, it shall be scanned into the computerized imaging system and promptly made available for release or for information should inquiries be made.

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the no preference towing company list in ECSO.

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 dispatcher to call a no preference towing company. The officer will then have the vehicle towed to the tow company's storage lot for safekeeping, and complete a Vehicle Impound form.

510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Police Department should not be driven by police personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.4 DISPATCHERS RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

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If the request is for no preference towing, the dispatcher shall call the firm whose name appears next on the No Preference Towing Service log and shall make appropriate entries on that form to ensure that the next firm is called on the next request.

510.2.5 NOTICE TO OWNERS

Once the vehicle is impounded, records personnel shall mail a copy of a standardized tow letter, which will include information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released (ORS 819.180). The notice shall include:

(a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.

(b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.

(c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.

(d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

(e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.

(f) The time within which a hearing must be requested and the method for requesting a hearing.

(g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

510.3 TOWING SERVICES

The City of Medford periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When a vehicle is being held as evidence in connection with an investigation

(b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the Department to tow a vehicle.

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510.3.1 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.

A non preference tow company (from a rotating list) should be utilized when recovering a stolen or abadoned vehicle or removal of a vehicle from the streets due to traffic obstruction in violation of state of local regulations.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to the Special Services Sergeant for investigation. The Department may periodically review the performance of each authorized no preference operator.

The Department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized firms shall be called in rotation.

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

510.4 IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS

Officers should impound vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under ORS 133.535. State law requires the impounding officer to take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence. If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

510.5 IMPOUND AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene).

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.

The following are examples of situations where the arrestee's vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:

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- The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.
- When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.
- Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall inform the arrestee and note in the report that the Department will not be responsible for theft or damages.

510.6 VEHICLE INVENTORIES

The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

1. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers.
2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

(d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

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(e) Any valuables, to include cash in excess of $10 or property valued at more than $200, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.

(f) The inventory is not a search for evidence of a crime, however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.

(g) Tow truck operators are to receive a copy of the tow report.

These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.6.1 PURPOSE OF VEHICLE INVENTORY

The vehicle inventory is not a search for evidence of a crime, but instead to:

(a) Locate weapons or instruments that pose a hazard to the safety of the officer(s) or tow operator, or that could facilitate escape by an arrestee;

(b) Locate hazardous materials, toxic substances, flammables and explosives that would pose a threat to the officer, tow operator or the public at large;

(c) Identify property to establish accountability and avoid spurious claims of ownership of the property;

(d) Document any significant damage to the vehicle;

(e) Assist in the prevention of theft of property and in locating stolen property; and

(f) Reduce the danger to all persons and property.

The inventory shall be conducted in a manner to protect and secure the property for the benefit of the owner. Property shall be safeguarded during the time it is in Medford Police Department custody and control (including custody and control of the towing contractor) and returned to the owner in the condition in which it was received.

The investigating officer shall thoroughly and articulately document circumstances justifying towing of the vehicle, surrounding community caretaking concerns in the Incident Report.

510.7 VEHICLE SEARCHES

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and an officer's familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.

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Because circumstances under which a warrantless search of a vehicle might be permissible are very limited, and because vehicle searches are subject to many restrictions, officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

510.8 SECURITY OF VEHICLES AND PROPERTY

After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the officer should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.9 RELEASE CRITERIA

A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle (i,e,listed as the registered or legal owner through DMV records) 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 Medford 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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Impaired Driving

512.1 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).

512.2 POLICY

The Medford 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.

512.2.1 ALCOHOL RELATED CRASH REPORTS

Officers investigating DUII crashes with injuries shall promptly complete an Alcohol Related Crash Incident Report if all of the following criteria have been met upon conclusion of the accident investigation:

(a) Police investigate any motor vehicle accident where someone other than the operator is injured or incurs property damage;

(b) The operator appears to have consumed alcoholic beverages;

(c) A citation is issued against the operator that is related to the consumption of alcoholic liquor or could have been issued if the operator had survived; and

(d) The provider of the alcoholic liquor is alleged to be a licensee or permittee of the Oregon Liquor Control Commission.

Completed Alcohol Related Crash Incident Reports shall be sent to the Oregon Liquor Control Commission via Records Division.

512.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Special Services Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

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(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.

512.4 DUII ENFORCEMENT GRANTS

Medford Police Department participates in state and federal grant programs that target DUII enforcement.

512.5 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).

(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 the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

512.5.1 BREATH SAMPLES

The Special Services 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 Special Services Sergeant.

512.5.2 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.

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.

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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.

512.5.3 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.

512.5.4 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).

512.5.5 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).

512.5.6 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).

512.6 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.

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512.6.1 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).

512.6.2 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.

512.6.3 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.

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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.

512.7 ARREST AND INVESTIGATION

512.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in his/her blood, the investigating officer shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The completed Implied Consent Form
- Any confiscated license or permit belonging to the person
- A copy of the written report that complies with ORS 813.120

An officer confiscating a person's license pursuant to state DUI laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

512.7.2 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).

512.8 RECORDS DIVISION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

512.9 TRAINING

The Training Coordinator should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving,

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investigative techniques and rules of evidence pertaining to DUI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

514.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

514.2 RESPONSIBILITIES

The Property Control Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

514.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Special Services Sergeant or the Watch Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Special Services Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

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. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

514.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Division.

514.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. Upon supervisory approval, the citation and letter shall then be forwarded to the Municipal Court, or other court of jurisdiction. The investigating officer shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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514.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Division.

514.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults, depending on circumstances. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Juveniles shall be cited into Municipal Court same as adults, except:

(a) Felony traffic crimes and DUII charges are cited into Circuit Court, Juvenile Division; and

(b) Juveniles under 16 years of age are cited into Municipal Court on the first Wednesday of the month at 3:30 pm, to be accompanied by a parent or guardian.

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Disabled Vehicles

518.1 PURPOSE AND SCOPE

Public safety, and the Medford 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.

518.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

518.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist. Officers should provide for the safety of the motorist and should not leave a motorist in a hazardous situation.

518.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

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Escort Services

525.1 PURPOSE AND SCOPE

Medford Police Department should not provide emergency response escort services for any other vehicle.

In a medical emergency, an officer may transport an injured person in his / her vehicle or summon an ambulance for transport.

Non-emergency escorts for parades, special events, oversized loads, etc. may be provided upon approval by a supervisor. Persons requesting such escort services shall secure authorized permits prior to the event.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

One or more detectives shall be available 24 hours a day for criminal investigations and the processing of crime scenes. The Oregon State Police crime lab is an additional resource for processing of serious and involved crime scenes.

PROCEDURES:

- 600.01 PRO Obtaining Municipal Court Arrest Warrants See attachment: 600.01 PRO Obtaining Municipal Court Arrest Warrants.pdf
- 600.03 PRO Municipal Court Warrant Clearance See attachment: 600.03 PRO Municipal Court Warrant Clearance.pdf
- 600.04 PRO Parole and Probation Violation Detainers See attachment: 600.04 PRO Parole and Probation Violation Detainers.pdf
- 600.05 PRO Obtaining Search Warrants See attachment: 600.05 PRO Obtaining Search Warrants.pdf
- 600.09 PRO Obtaining Telephonic Search Warrants See attachment: 600.09 PRO Obtaining Telephonic Search Warrants.pdf
- 600.11 PRO Investigating Check Cases See attachment: 600.11 PRO Investigating Check Cases.pdf
- 600.13 PRO Investigating Credit Card Fraud See attachment: 600.13 PRO Investigating Credit Card Fraud.pdf
- 600.15 PRO Investigating Embezzlement See attachment: 600.15 PRO Investigating Embezzlement.pdf
- 600.16 PRO Investigating Counterfeit Currency Cases See attachment: 600.16 PRO Investigating Counterfeit Currency Cases.pdf
- 600.17 PRO Responding to Shoplift Cases See attachment: 600.17 PRO Responding to Shoplift Cases.pdf

FORMS:

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- 600.02 FRM Affidavit for Arrest Warrant See attachment: 600.02 FRM Arr Wt Affidavit Muni Ct.pdf
- 600.06 FRM Affidavit for Search Warrant See attachment: 600.06 FRM Search Wt Affidavit.pdf
- 600.07 FRM Search Warrant See attachment: 600.07 FRM Search Warrant.pdf
- 600.08 FRM Search Warrant Return See attachment: 600.08 FRM Search Wt Return.pdf
- 600.10 FRM Telephonic Search Warrant See attachment: 600.10 FRM Telephonic Search Wt.pdf
- 600.12 FRM Bank Information Letter See attachment: 600.12 FRM Bank Info Letter.pdf
- 600.14 FRM Request for Grand Jury Subpoena Duces Tecum See attachment: 600.14 FRM Req Subpoena Duc Tec.pdf

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations

600.2 POLICY

It is the policy of the Medford Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.

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4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 ASSIGNMENT OF CASES TO INVESTIGATIONS

All cases handled by patrol officers are reviewed by a Criminal Investigations Division supervisor. Cases are assigned to CID personnel based on:

(a) Seriousness of the offense;

(b) Nature of follow-up required, based on the assigned investigator's expertise, training and assigned field of investigations;or

(c) Solvability factors.

Case reports with no leads or minimal solvability factors may be assigned to specific investigators for their review, only with no further action required.

CID supervisors send notice to patrol officers when their individual cases are assigned to specific CID personnel for follow-up investigation.

600.4.1 CASE STATUS CATEGORIES

Status of case reports are determined by supervisors as follows:

(a) Open--Assigned to an investigator for follow-up;

(b) Open--Reassigned back to the original investigating officer;

(c) Closed / Exceptionally--Suspect is known, but cannot be prosecuted for legal or other reason;

(d) Unfounded--The crime did not occur as reported;

(e) Inactive--There is insufficient evidence for prosecution. The suspect may be known or unknown. Further investigation needs to be accomplished; and

(f) Closed by Arrest--Case cleared with the arrest of the suspect.

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Assigned investigators shall complete follow-up reports on each assigned case within 30 days of case assignment until the case is closed, unless excused from reporting by a CID supervisor.

600.5 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.6 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.6.1 AUDIO/VIDEO RECORDINGS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707 (ORS 133.400).

A custodial interview of a person 17 years of age or under involving an investigation into a misdemeanor or a felony or an allegation that the juvenile being interviewed committed an act that would be a misdemeanor or a felony if committed by an adult shall be recorded, absent good cause not to record the interview, if (2019 Oregon Laws, c. 216, § 2):

(a) The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or

(b) The interview is conducted anywhere else and the officer is wearing a body-worn camera.

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should document the refusal in his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the

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original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.7 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.8 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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600.9 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.10 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.10.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.10.2 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.

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Criminal Intelligence

601.1 PURPOSE AND SCOPE

Medford Police Department gathers and disseminates intelligence information involving specific individuals and organizations reasonably suspected of criminal activity pursuant to Oregon Administrative Rules -- Chapter 137, Oregon Revised Statutes 180.600-630, and Chapter 28 of the Code of Federal Regulations, Part 23 (28 CFR 23), and this policy.

PROCEDURES:

- 601.01 PRO Submitting and Processing Criminal Intelligence Information See attachment: 601.01 PRO Submitting and Processing Criminal Intelligence Information.pdf

FORMS:

- 601.02 FRM Intelligence Report Form See attachment: 601.02 FRM Intel Rpt.pdf
-

601.1.1 DEFINITIONS

(a) **CRIMINAL INTELLIGENCE SYSTEM** Arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information.

(b) **CRIMINAL ACTIVITY** Any activity, which violates state statutes, ordinances, or codes and constitutes a criminal act under the law (excluding traffic violations).

(c) **CRIMINAL ASSOCIATE** An individual suspected of maintaining criminal associations and involvement with any individual, group or organization reasonably suspected of engaging in criminal activity.

(d) **CRIMINAL INTELLIGENCE INFORMATION** Data that has been evaluated and determined that it is relevant to identification of and the criminal activity engaged in by an individual who, or organization that is reasonably suspected of involvement in criminal activity, and meets statewide intelligence system requirements.

(e) **ORGANIZED CRIME** Any organized group that has its leadership insulated from direct involvement in criminal acts and ensures organizational integrity in the event of a loss of leadership.

(f) **PARTICIPATING AGENCY** An agency of local, county, state, federal or other governmental unit that exercises law enforcement or criminal investigation authority and is authorized to submit and receive criminal intelligence information through a statewide intelligence system. A participating agency may be a member or non-member of a statewide intelligence system.

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(g) **REASONABLE SUSPICION OR CRIMINAL PREDICATE** Established when information exists that establishes sufficient facts to give a trained law enforcement officer or criminal investigative agency officer, investigator, or employee a basis to believe there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. It is less than probable cause and more than mere suspicion.

601.2 PROCEDURES

(a) Medford Police Department shall:

1. Gather intelligence information with due respect for the rights of those involved;
2. Maintain intelligence information as confidential and securely store it at all times; and
3. Disseminate intelligence information only to authorized individuals as defined.

(b) All members of the Medford Police Department shall be responsible for reporting information that may aid to identify criminal conspirators and perpetrators.

(c) Intelligence information shall be received and stored by the Tactical Information Unit (TIU). MADGE screens and classifies intelligence information and reports directly to the Chief of Police.

(d) Medford Police Department collects intelligence information on known criminals pursuant to OAR Chapter 137, ORS 180.600--630 and Chapter 28 of the Code of Federal Regulations, Part 23 (28 CFR 23) under the following criteria:

1. Information that reasonably indicates that a crime has been committed or is being planned that is a threat or potential threat to the City of Medford;
2. Information shall be lawfully gathered and limited to only sufficient information to prevent the criminal act and / or to identify and prosecute violators;
3. Information gathered shall be relevant to a current or ongoing investigation and the product of trustworthy sources of information;
4. Intelligence information may only be disseminated to appropriate persons and agencies for legitimate law enforcement purposes pursuant to state law; and
5. Records shall be kept of sources of all intelligence information received as well as all persons and agencies such information is disseminated to.

(e) All restricted and confidential files shall be secured, and access to all intelligence information shall be controlled and recorded under procedures established by the MADGE Commander.

(f) Intelligence files shall be stored in the offices of the TIU. All hard copy files shall be stored in a secure location. Access to files shall be restricted to MADGE and

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TIU members. TIU maintains electronically stored files within their secured offices, which are locked and key-card monitored. Electronically stored files shall be secured from access, tampering, modification or purging without authorization from any outside source. Informant files shall be maintained separate from intelligence files.

(g) Officers shall submit intelligence information to TIU in a timely manner.

(h) Officers shall not retain intelligence documentation for their own personal reference.

(i) Information used for intelligence purposes shall be gathered in a legally acceptable manner.Surveillance methods using electronic, photographic and related technology for gathering evidence and information shall also be performed in a legally acceptable manner.

601.3 CLASSIFICATIONS OF INTELLIGENCE INFORMATION

(a) Officers shall submit intelligence information directly to TIU on an Intelligence Report Form, following supervisor approval. Officers shall classify reports in the following categories upon submitting to TIU:

1. Source Reliability
   - (a) Reliable
   - (b) Usually reliable
   - (c) Unreliable
   - (d) Unknown

2. Information Validity
   - (a) Confirmed
   - (b) Probable
   - (c) Doubtful
   - (d) Cannot be judged

3. Violence Potential
   - (a) Unknown
   - (b) Low
   - (c) High
   - (d) Armed

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601.3.1 SECURITY CLASSIFICATIONS OF INTELLIGENCE INFORMATION

(a) The MADGECommander assigns security classifications to intelligence files:

1. **Sensitive** Files that relate to:

   (a) Public corruption;

   (b) Informant identification information;

   (c) Criminal intelligence reports, which require strict dissemination and release criteria; or

   (d) Documents that have been designated "sensitive" by another law enforcement agency.

2. **Restricted** Files that contain information that:

   (a) Could adversely effect an ongoing investigation;

   (b) Create safety hazards for officers, informants or others; or

   (c) Compromise identities of officers, informants or others; and

   (d) May only be released upon approval of the MADGE Commander or the Chief of Police to authorized law enforcement agencies with a need and right to know such information.

3. **Confidential** Intelligence information that is less sensitive than restricted intelligence. It may be released to agency personnel when the MADGE Commander or his designee has determined a need and a right to know.

4. **Unclassified** Contains information from the news media, public records and other sources. Access is limited to officers conducting relevant investigations who have a need and right to know.

Upon receipt of an Intelligence Report, the MADGE Commander shall ensure the submitting officer has evaluated the information regarding reliability of source and validity of content. While evaluation may not be precise, this assessment must be made to the degree possible in order to guide others in the use of the information.

601.4 STATUS OF INTELLIGENCE INFORMATION

(a) Information having relevance to active cases or that requires immediate attention shall be forwarded to responsible investigative or other personnel as soon as possible.

1. **Open cases** -- Intelligence cases assigned to investigators for follow-up shall be designated as "open." In order to remain open, officers working such cases shall file intelligence status reports covering case developments at least every 180 days.

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2. **Closed cases** -- "Closed" intelligence files are those in which investigations have been completed, where all logical leads have been exhausted, or where no legitimate law enforcement interest is served. All closed files shall include a final case summary report prepared by, or with the authorization of the lead investigator.

(b) TIU shall analyze compiled material as soon as possible where meaningful trends, patterns, methods, characteristics or intentions of criminal enterprises or figures emerge.

601.4.1 FILE STATUS CATEGORIES

(a) File status categories:

1. **Working File** The receiving phase of newly acquired raw data. The MADGE Division Commander evaluates its value and acceptability for submission to TIU's system.

2. **Temporary File** Includes individuals, groups, businesses and organizations that have not been positively identified by one or more distinguishing characteristics, or whose criminal involvement is questionable. Individuals, groups and organizations are given temporary file status only in the following situations:

(a) The subject is unidentifiable because there are no physical descriptors, identification numbers or distinguishing characteristics available;

(b) The subject's involvement in criminal activities is questionable; and

(c) The subject has a history of criminal conduct, and circumstances afford him an opportunity to again become active; and / or

(d) The reliability of the information source and / or the validity of the information source content cannot be determined at the time of the receipt; and

(e) The information appears to be significant and merits temporary storage.

3. **Permanent File** Includes individuals, groups, businesses and organizations that have been positively identified by one or more distinguishing characteristics and criminal involvement.

601.4.2 FILE RETENTION PERIODS

(a) File retention periods:

1. **Working Files** Retained for 30 days to determine value and acceptability into intelligence system.

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2. **Temporary Files** File is purged after one year if no updated information is added and no information is available.

3. **Permanent Files** Retained for 5 years after which file is reevaluated for its value and acceptability.

601.4.3 PURGING OF FILES

The MADGE Commander reviews and purges intelligence files annually through an independent auditor.

A Deputy Chief supervising another bureau may serve as an independent auditor.

Purged files shall be destroyed with no content information retained.

601.5 CATEGORIES OF INTELLIGENCE INFORMATION

(a) Categories of intelligence information:

1. **CRIMINAL INTELLIGENCE** Information compiled, analyzed and / or disseminated in an effort to anticipate, prevent or monitor criminal activity.

2. **STRATEGIC INTELLIGENCE** Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short and long term investigative goals.

3. **TACTICAL INTELLIGENCE** Information regarding a specific criminal event that can be used immediately by operational units to further criminal investigations, plan tactical operations and to provide for officer safety.

601.6 TYPES OF INTELLIGENCE INFORMATION

(a) Types of intelligence information:

1. Subject, victim(s) and complainant as deemed appropriate;

2. Summaries of suspected criminal activity;

3. Anticipated investigative steps to include proposed informants, photographic, or electronic surveillance;

4. Resource requirements, including personnel, equipment, buy / flash monies, travel costs, etc.

5. Anticipated results; and

6. Problems, restraints or conflicts of interest.

(b) Criminal Intelligence Files consist of stored information on activities and associations of:

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1. Individuals who based upon reasonable suspicion are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing or commission of criminal acts; or
2. Organizations, businesses and groups that:
   (a) Based upon reasonable suspicion are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing, or commission of criminal acts; or
   (b) Based upon reasonable suspicion are suspected of being or having been illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.

601.7 RELEASE OF INFORMATION

(a) The MADGE Commander shall carefully review any intelligence information requested through the Freedom of Information Act prior to releasing such information.

(b) Reports and other investigative material received by Medford Police Department from other law enforcement agencies shall remain the property of the originating agency, although may be retained by Medford Police Department (Third Agency Rule).

(c) Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given to anyone outside of the Medford Police Department except, with the consent of the originating agency, to other departments and agencies on a right to know, need to know basis. This policy also applies to individuals, groups or organizations requesting specific records or material under the Freedom of Information Act or Oregon Public Records Law. In such case the inquiring person may be referred directly to the originating agency.

(d) Intelligence information, electronic surveillance information, and photographic intelligence owned by Medford Police Department shall not be released to any other law enforcement agency without the express approval of the:
   1. MADGE Commander;
   2. Operations Bureau Commander; or
   3. Chief of Police.

(e) Such information may only be released with the stipulation that such intelligence shall not be duplicated or disseminated to any other agency without prior approval.

(f) Upon approval, intelligence information may be disseminated within the Department through:
   1. Staff meetings;

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2. Patrol briefings;
3. Personal contact;
4. Department memorandum.

(g) At no time shall any intelligence information be made available to any member of the news media or other Department member that does not have a need or right to know such information.

601.8 INTER-AGENCY COOPERATION

(a) Officers and TIU personnel assigned to intelligence responsibilities shall maintain and establish liaison with other law enforcement agencies (federal, state and local) for the purpose of exchanging information of a criminal nature.

(b) Officers shall cooperate with other agencies or task forces operating within the Department's jurisdiction. This cooperation may be in the form of:

1. Information exchange;
2. Participation in a combined operation or task force; or
3. Hosting or attending meetings for the express purpose of information exchange relating to criminal activities.

601.9 TRAINING

Personnel assigned to the intelligence function shall attend and successfully complete appropriate Department-approved training on criminal intelligence and related subjects.

Officers shall receive periodic training on Department policy and procedure regarding criminal intelligence gathering and submission to the Tactical Information Unit.

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Civil Forfeiture - The following, with certain restrictions, may be subject to civil forfeiture when used for prohibited conduct (ORS 131A.020):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including but not limited to aircraft, vehicles, and vessels to transport, sell, conceal controlled substances.
- Proceeds from prohibited conduct or money, deposits or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct and conspiracies.
- A motor vehicle when the driver is arrested or cited for driving while suspended or revoked under ORS 811.182 or ORS 163.196 and has been convicted of either offense within the past three years (ORS 809.740).

Criminal Forfeiture - The following, with certain restrictions, may be subject to criminal forfeiture when used, or intended to be used, for prohibited conduct (ORS 131.558):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including aircraft, vehicles, and vessels to transport, sell, conceal, etc. controlled substances.
- Proceeds from prohibited conduct or money, deposits, or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct, and conspiracies.
- All other personal property that is used or intended to be used to commit or facilitate prohibited conduct.

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings.

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This includes any time the Medford Police Department seizes property for forfeiture or when the Medford Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Prohibited conduct - In the context of criminal forfeiture, refers to a felony or a Class A misdemeanor for purposes of proceeds and the many crimes listed in ORS 131.602 for purposes of instrumentalities (ORS 131.550).

Prohibited conduct in the context of civil forfeiture refers to any of the following (ORS 131A.005):

- Crimes related to the Uniform Controlled Substances Act where a person may be sentenced to imprisonment (specifically, ORS 475.005 through ORS 475.285 and ORS 475.744 through ORS 475.980).
- Crimes involving violation of, or solicitation, attempt, or conspiracy to violate ORS 475B.337, ORS 475B.341, ORS 475B.346, or ORS 475B.349.
- Violation of, or solicitation, attempt or conspiracy to violate ORS 475B.227.
- Involuntary servitude or compelling prostitution (ORS 163.263; ORS 163.264; ORS 163.266; ORS 167.017).
- Other local crimes allowing for civil forfeiture where a person may be sentenced to imprisonment for the offense.

Seizure -The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Medford 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 Medford Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.2.1 PROHIBITED SEIZURES

No assets shall be seized based on justification of any of the following:

(a) Race,

(b) Nationality,

(c) Age,

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(d) Sexual orientation,

(e) Gender,

(f) Religion, or

(g) Disability.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Civil forfeiture

1. Property that is subject to a court order (ORS 131A.060).
2. Property that is not subject to a court order if (ORS 131A.065):
   (a) There is probable cause to believe that the property is subject to forfeiture and the property may constitutionally be seized without a warrant.
   (b) The seizure is in the course of a constitutionally valid criminal investigative stop, arrest or search, and there is probable cause to believe that the property is subject to civil forfeiture.
   (c) The property is directly or indirectly dangerous to the health or safety of any person.
   (d) An owner consents to the seizure.

(b) Criminal forfeiture

(a) Property that is subject to a court order (ORS 131.561).

(b) Property that is not subject to a court order when (ORS 133.535; ORS 131.561):
   (a) The property subject to criminal forfeiture is also evidence of a crime or is illegal to possess.
   (b) There is probable cause to believe that the property is subject to criminal forfeiture.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

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(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds

(b) A conveyance owned by a common carrier or person who did not consent to the offense in question or had no knowledge of the offense (i.e., an "innocent owner") (ORS 131.558)

606.4 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.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

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(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly ORS 131.550 et seq., ORS 131A.010 et seq., and Or Const, Art XV, § 10 and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate (see the restrictions in Or Const, Art XV, § 10).

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
5. Other information as necessary to comply with the form requirements of ORS 131.570 and ORS 131A.055.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished

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through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Order. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property. Information on the notice to interested parties can be found in ORS 131.561, ORS 131.570, ORS 131A.150 and ORS 131A.230. Information on the notice of intent to forfeit real property with the county can be found in ORS 131.567.
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the Department disposes of property as provided by law following any forfeiture.

(k) Ensuring the forms and receipts provided for field use comply with ORS 131.570 and ORS 131A.055. A consensual search of a motor vehicle form should be available for field use as well (ORS 131A.025).

(l) Disabling hidden compartments in vehicles when appropriate (ORS 131.566; ORS 131A.030).

(m) Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures,

(n) Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

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606.7 DISPOSITION OF FORFEITED PROPERTY

Property forfeiture through the criminal forfeiture process shall be disposed of in accordance with ORS 131.594 and the associated statutes including priority payments for costs and to victims, as applicable. Forfeited cigarettes shall be destroyed, not sold (ORS 131.604).

Criminally forfeited lab equipment may be donated to educational institutions (ORS 131.594).

606.7.1 DISPOSITION OF RECORDS

Written documentation of each sale, decision to retain, transfer or other disposition of criminally forfeited property will be maintained and any information requests necessary for the forfeiture counsel's electronic reports shall be addressed (ORS 131.600).

606.8 INVENTORY OF FIXED ASSETS PURCHASED WITH FORFEITURE FUNDS

The Administrative Support Division shall maintain a log of all fixed assets purchased and Equitable Asset Sharing forfeiture funds with a value of $5,000.00 or more, including the disposition of each asset. Furthermore, the commander of the Investigations Division shall conduct an annual physical inventory to verify possession of these assets and record the results on the log.

606.9 CONSENSUAL SEARCH OF MOTOR VEHICLE

Officers should use a consensual search of a motor vehicle form when requesting a consensual search of a motor vehicle (ORS 131A.025).

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Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

PROCEDURES:

- 608.01 PRO Establishing Informants See attachment: 608.01 PRO Establishing Informants.pdf
- 608.02 PRO Confidential Funds Management See attachment: 608.02 PRO Confidential Fund Management.pdf

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Medford Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Medford Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The Medford Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

608.3 USE OF INFORMANTS

608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile's parents or legal guardians

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(b) The juvenile's attorney, if any

(c) The court in which the juvenile's case is being handled, if applicable

(d) The Chief of Police or the authorized designee

608.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, MADGE supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Medford Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the MADGE supervisor.

3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the MADGE supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.4.2 TERMINATION OF AN INFORMANT

Whenever an established informant violates any terms of the agreement or is otherwise undesirable as an informant, the involved officer shall notify the MADGE Operations Sergeant immediately. The Operations Sergeant may then facilitate termination of the agreement. Specific reasons for terminating the agreement may include (but not limited to) the following: (a) Untruthfulness; or (b) Theft of Department Funds and/or property. In all such cases, contact with the informant should cease immediately. The circumstances surrounding the termination of the informant will be documented in their individual file. An entry may be made in the Western States Intelligence Network (WISN) files, citing the informant's unreliability.

608.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

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Informant files shall be maintained in a secure area within the MADGE. The MADGE supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commander, MADGE supervisor or their authorized designees.

The Criminal Investigations Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the MADGE supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

608.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

608.6 CONFIDENTIAL FUND AUDITS

A Medford Police Division Commander not assigned to MADGE conducts quarterly audits of the confidential fund and reports directly to the Chief of Police, or the Chief's designee. The Operations Bureau Commander conducts semi-annual quarterly audits of the confidential fund and reports directly to the Chief of Police.

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608.7 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The MADGE supervisor will discuss the above factors with the MADGE/CID Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.7.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments may be paid in cash from a MADGE buy/expense fund.

(b) The MADGE supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete an evidentiary fund account receipt.

1. The evidentiary fund account receipt shall include the following:

   (a) Date

   (b) Payment amount

   (c) Medford Police Department case number

   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

2. The evidentiary fund account receipt shall be signed by the informant.

3. The evidentiary fund account receipt will be kept in the informant's file.

608.7.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement

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of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.7.3 AUDIT OF PAYMENTS

The MADGE supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

FORMS:

- 610.01 FRM EYEWITNESS IDENTIFICATION FORM PHOTO LINE UP See attachment: 610.01 FRM Eyewitness Identification Form Photo Line Up Admonishment.pdf
- 610.02 FRM EYEWITNESS IDENTIFICATION FORM SHOWUP See attachment: 610.02 FRM Eyewitness Identification Form Show Up Admonishment.pdf

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Medford 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.

610.3 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.

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610.4 EYEWITNESS IDENTIFICATION PROCESS AND 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 should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

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610.6 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.

610.7 SHOWUPS

Photo lineups are preferable to showups; however, some circumstances require the prompt display of a suspect to a witness. Showups should be conducted as follows:

(a) Consider if a photo lineup can be conducted instead;

(b) Obtain a thorough description of the suspect from each witness prior to the showup;

(c) Ensure all officers avoid suggestive words or conduct while preparing for the presentation;

(d) If possible, avoid unnecessarily tarnishing the suspect by, for example, presenting a suspect in handcuffs or from the backseat of a patrol car;

(e) Transport the witness, not the suspect;

(f) Separate witnesses to avoid communication between them;

(g) Read the instructions from the *Eyewitness Identification* form, ensuring and documenting the witness understands the instructions;

(h) Document the witness's statement on the *Eyewitness Identification* form;

(i) When possible, record the presentation.

610.8 TRAINING

All sworn personnel shall receive training on this policy and the presentation of lineups and showups.

610.9 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.10 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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(g) A person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

611.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Medford Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

611.2 POLICY

The Medford 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 Medford 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.

611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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611.4 DISCLOSURE OF PERSONAL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

611.5 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.

611.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Medical Information Requests

612.1 PURPOSE AND SCOPE

This policy establishes that Medford Police Department obtains confidential medical information involving criminal investigations as allowed by the Health Insurance Portability and Accountability Act (HIPAA) in 1996 in cooperation with local hospitals and other medical facilities.

FORMS:

- 613.01 FRM Law Enforcement Request for Medical Information

612.1.1 METHODS OF OBTAINING INFORMATION

(a) Officers may be able to obtain limited protected health information on specific medical patients under the following circumstances:

1. In response to a court order, subpoena, search warrant, summons or similar process (Grand Jury subpoenas are an exception);
2. As required by law, such as child or elder abuse reporting, child abandonment, elevated blood alcohol level following a motor vehicle accident;
3. In response to HIPAA-compliant authorization;
4. Directory information, one word condition and location information if the patient has not opted out and the officer inquires about the suspect by name;
5. To identify or locate a suspect, fugitive, material witness or missing person;
6. About the victim of a crime pending consent of the patient;
7. About a death the facility believes may be the result of criminal conduct;
8. About criminal conduct at the facility;
9. In emergency circumstances occurring off the premises of the hospital to report a crime, the location of the crime or victims or identity, description or location of the person who committed the crime;
10. As necessary to avert a serious and immediate threat to a person or the public; and
11. Specified information about particular patients in custody.

(b) Upon submission of the Law Enforcement Request for Information Form, protected health information may be disclosed if the patient is identified as a victim and:

1. The patient agrees to the disclosure; or
2. If the patient is unable to consent to disclosure because of incapacity or other emergency circumstances:

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(a) The officer represents that the information is needed to determine whether or not a violation of the law has occurred and that the information is not intended to be used against the victim;

(b) The officer represents that the immediate action is necessary; and

(c) The patient's care provider determines in his / her best judgment that the disclosure is in patient's best interest.

Oregon law may require the disclosure of information, even if the victim does not authorize disclosure in cases of abuse involving elderly, children, mentally ill, or developmentally disabled. This reporting requirement does not apply domestic violence victims.

612.1.2 TYPES OF ALLOWABLE INFORMATION

Officers may obtain limited medical information pursuant to HIPAA regulation CFR 164.512 (f)(l)(i) for the purpose of identification. The following information may be obtained following submission of a completed Law Enforcement Information Request Form (613.01 FRM) to the involved medical facility:

(a) Name and address;

(b) Place of birth;

(c) Social Security Number;

(d) ABO Blood Type and RH factor;

(e) Type of injury;

(f) Date and time of treatment;

(g) Date and time of death, if applicable;

(h) A description of distinguishing characteristics including: height, weight, gender, race, hair and eye color, presence or absence of facial hair, scars and tattoos.

612.1.3 ADDITIONAL INFORMATION AND EVIDENCE

Officers may be able to obtain the following additional information without patient authorization pursuant to legal process (search warrant, subpoena, summons, etc.):

(a) A detailed statement about the patient's condition;

(b) Taking photographs of a patient;

(c) Interviewing a patient in person;

(d) Confirmation of patient age, gender, admission and discharge dates and area of residence; and

(e) Prognosis.

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The medical facility may allow officers access to the patient's hospital room only upon patient authorization.

612.2 CHILD PATIENTS

Officers may obtain protected health information on child patients with authorization from:

(a) The child's parent or legal guardian;

(b) A personal representative as determined by the medical facility if the parent or legal guardian is unavailable, or failing to act in the child's best interests; or

(c) A DHS representative, if DHS has taken legal custody of the child.

612.3 PATIENTS IN LAW ENFORCEMENT CUSTODY

Officers may be able to obtain protected health information for patients in law enforcement custody that are being treated at a medical facility. In such case the officer shall complete the Law Enforcement Information Request Form and establish that the information is necessary for:

(a) The provision of health care to such individuals;

(b) The health and safety of such individual or other inmate;

(c) The health and safety of the officers or employees;

(d) The health and safety of officers and staff responsible for transfer of the patient from one department or facility to another; and

(e) The administration and maintenance of safety and security of the facility and its personnel, in general.

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Sexual Assault Investigations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in ORS 163.305 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally composed of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

613.2 POLICY

It is the policy of the Medford Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

613.3 RULES

2016 Oregon Laws, c.89,§ 4

Section 4, chapter 89, Oregon Laws 2016 requires each law enforcement agency within the state to have policies and procedures concerning the collection, submission for testing, retention, and destruction of SAFE kits.

(a) A sexual assault forensic evidence kits shall be obtained from a medical facility within 7 days after the medical facility notifies the Department that the kits has been collected.

(b) The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the Department receives the kits 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.

(c) All sexual assault forensic evidence kits, including anonymous kits, shall be retained for no less than 60 years after the collection of the evidence.

(d) When a victim who did not previously participate with a law enforcement agency in the creation of a report of a sexual assault later chooses to participate in the creation of

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a report of the sexual assault at a later time, the sexual assault forensic evidence kit associated wih the report must be reclassified as a non-anonymous kit.

(e) When an anonymous sexual assault forensic kit is reclassified as a non-anonymous kit, the law enforcement agency in possession of the kit shall submit it to Oregon State Police for testing within 14 days of the reclassification.

613.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

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

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

613.5 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. Any case deemed to require additional follow up will be assigned to a Detective. Report screening and assignment will be the responsibility of the Detective Sergeant.

613.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to ECSO, 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.

The sexual assault victim should be provided the opportunity to have a member of SART or a personal representative in the initial interview.

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 place and time of the victim's choosing.Whenever practicable, the follow-up interview should be conducted by a qualified investigator. Victims choosing to provide their statement at a later time should be made aware the importance of evidence collection. Officers should make every effort to obtain evidence of the assault as quickly as possible.

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

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unfounded. If the responding officer has reason to believe the incident may be without merit, (s)he 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.

613.6.1 POLYGRAPH EXAMINATION OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 through ORS 163.575, shall not be required to submit to a polygraph examination as a prerequisite to filing criminal charges (34 USC § 10451; ORS 163.705).

613.6.2 VICTIM RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy, and provided with a **You Are In Control** pamphlet.

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 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).

Information will be provided to victims of sexual assault upon their request. Designated personnel will be responsible for receiving calls and providing information with the following procedures:

(a) The Medford Police Department Property Control personnel will receive all telephone inquiries concerning sexual assault forensic evidence kits and serve as a liaison between Medford Police Department and Department of State Police.

(b) Victims shall be provided with the public phone number to the Medford Police Department Property Control facility at the time that a sexual assault forensic evidence kit is collected. Victims may call to request and receive information concerning sexual assault forensic evidence kits, including but not limited to location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases, and the estimated destruction date for the kit.Responses to victim inquiries of this nature shall be handled as soon as possible and within 30 days of inquiry, unless the Medford Police Department declines to provide the information. Property control should refer inquiries regarding test results of a kit to the CID Sergeant.

(c) The Medford Police Department may decline to provide information that interferes with the investigation or prosecution of the case.

(d) A sexual assault victim may provide the Medford Police Department with written authorization for a designee to access information on the victim's behalf.

(e) A sexual assault victim may contact the Medford Police Department in order to request that an uncontested non-anonymous kit be reclassified as an anonymous kit, or an untested anonymous kit be reclassified as a non-anonymous kit and to participate with

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the law enforcement agency in the creation of a report of sexual assault associated with the sexual assault forensic evidence kit.

613.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. When a victim agrees to participate in a medical assessment, the officer shall contact a victim advocate and make reasonable efforts to ensure that the advocate is present and available at the medical facility if such notification has not already been made by medical personnel (ORS 147.404).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Unless the victim has chosen to remain anonymous, sexual assault kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing (ORS 181A.325).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

613.7.1 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the crime victim liaison as provided in the Victim and Witness Assistance Policy.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

613.8 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 supervisor.

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Classification of a sexual assault case as unfounded requires the Investigation Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

613.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

613.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

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Warrant Service

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

614.2 POLICY

It is the policy of the Medford 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.

614.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) is the division commander, the SWAT commander, or authorized designee. They will review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director 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.

614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

614.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded with notice to all parties to a conversation that

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a recording is being made unless otherwise permitted in the warrant or ORS 133.726 (ORS 165.540).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

614.8 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.

614.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director 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:

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- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Medford Police Department are utilized appropriately. Any concerns regarding the requested use of Medford 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 director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Medford Police Department jurisdiction, the operations director 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 Medford Police Department when assisting outside agencies or serving a warrant outside Medford Police Department jurisdiction.

614.11 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.

614.12 TRAINING

The Training Coordinator 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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Operations Planning and Deconfliction

615.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

615.1.1 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.

615.2 POLICY

It is the policy of the Medford 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.

615.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

615.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director 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.

615.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Special Weapons and Tactics Team (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

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8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

615.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

615.6 OPERATIONS PLAN

The operations director 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,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

615.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

615.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and 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.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that ECSO 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 ECSO, 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.

615.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

615.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

615.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

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615.11 TRAINING

The Training Coordinator should ensure officers and SWAT team 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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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

PROCEDURES:

- 700.01 PRO Equipment and Property Inventory Assignments

700.2 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

The Administration Support Bureau Commander shall be responsible for developing and maintaining procedures for the inventory control of department property.

700.2.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of department-issued property or equipment.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Bureau Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

2. A review of the incident by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

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(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.3 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Bureau Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.3.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Medford or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Bureau Commander which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

700.4 RETURN OF CITY PROPERTY UPON SEPARATION

Upon separation of employment from the City of Medford, employees shall return all issued property to the custody of the City.

Any employee utilizing property and materials belonging to the City of Medford for personal use, gain or other profit may be subject to disciplinary action and / or criminal prosecution for misapplication of entrusted property under Oregon Revised Statutes 165.095.

Division Commanders shall verify all returns of property to the City of Medford for all employees within their respective chain of command. For Division Commanders and employees above the rank of Lieutenant, return of property shall be conducted at the direction of the Chief of Police.

700.5 POLICY

Members of the Medford Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly

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replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.6 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty should be approved by the watch commander.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as a part of work.

700.6.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper form. This form is submitted to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Bureau Commander, which shall include the result of the investigation and whether the reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Citydepartment responsible for issuing payments.

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Facilities Security

701.1 PURPOSE AND SCOPE

The following facilities of the Medford Police Department shall be maintained as secure at all times, with access limited to authorized personnel, only:

(a) 219 South Ivy Street shall be securely maintained, except the general lobby area.

1. Employees are responsible for ensuring access areas are secured beind them when entering and exiting the public areas. This includes the parking structure and all exterior doors.

(b) All of the aforementioned faciliites shall be maintained and secure and inaccessible to the general public at

PROCEDURES:

- 701.01 PRO Facilities Security See attachment: 701.01 PRO Facilities Security.pdf

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Personal Communication Devices

702.1 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.

PROCEDURES:

- 702.01 PRO Cell Phones See attachment: 702.01 PRO Cell Phones.pdf
- 702.02 PRO Voice Mail See attachment: 702.02 PRO Voice Mail.pdf

702.1.1 OFF-DUTY ACCESS TO LE INFORMATION SYSTEMS

Employees may be granted access to certain law enforcement information systems, including Law Enforcement Data System (LEDS), National Crime Information Center (NCIC), and Oregon Department of Motor Vehicles (DMV) using Department-issued communications devices, or to those employees that use their own personal communications devices and are reimbursed via a stipend, pursuant to Administrative Regulation 09-03-R1.

In such cases, employees shall access such systems pursuant to all requirements of those systems. Access and use of such systems shall be conducted responsibly and while maintaining required confidentiality of all such information. Each employee shall be held directly responsible for misuse and careless handling resulting in breeches of confidentiality and violation of rules of access and use of those systems, whereby the employee may be subject to disciplinary action.

Access to law enforcement information systems is strictly prohibited on all personal computers and computerized information devices that are not stipend-reimbursed.

702.2 POLICY

The Medford Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty

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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.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

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(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Medford 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 his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

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(e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 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.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 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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Facsimile (FAX) Machines

703.1 PURPOSE AND SCOPE

Department fax machines shall be used for Departmental business, only.

Use of the fax machine to transmit reimbursement requests to AFLAC shall be allowed as an exception to the above policy.

Other uses of fax machines for personal business shall be prohibited.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

FORMS:

- 704.01 FRM Vehicle Inspection -- Patrol Vehicles
- 704.02 FRM Vehicle Inspection -- Watch Commander's Car
- 704.03 FRM Vehicle Inspection -- Unmarked or Detective Car
- 704.04 FRM Vehicle Inspection -- CSO Car
- 704.05 FRM Police Vehicle Service Request

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, including, but not limited to, the lack of a working siren, emergency lights and/or radio communications, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 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.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the either in the designated shotgun or patrol rifle locker prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

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704.3.1 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:

- Vehicle registration and insurance card;
- Shotgun (gun #) and ammunition;
- Patrol rifle (gun #) and ammunition;
- Fuel card;
- Emergency road flares;
- Tire chains (optional -- seasonal);
- Roll Crime Scene Barricade Tape;
- First aid kit, CPR mask;
- Blanket;
- Fire extinguisher;
- Syringe tubes; and
- Hazardous waste disposal bags.

Watch Commander cars shall maintain the above equipment and shall also have the following:

- Pepperball gun;
- Shield;
- Animal snare;
- .22 caliber rifle and ammunition.

704.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Vehicle registration and insurance card;
- Emergency road flares;
- Roll Crime Scene Barricade Tape;
- First aid kit, CPR mask;
- Blanket;

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- Spare tire and jack;
- Fire extinguisher;
- Syringe containers;
- Hazardous waste disposal bag;
- Raid vest;
- Call-out bag for detective responses;
- Hazardous Materials Emergency Response Handbook; and
- Evidence collection supplies.

704.3.3 COMMUNITY SERVICE OFFICER VEHICLES
A Community Service Officer shall ensure that the following equipment is present in the vehicle:

- Vehicle registration and insurance card;
- Flares;
- Teddy bears;
- Traffic cones;
- Trash bags;
- Crime scene tape;
- Spare tire and jack;
- Syringe tubes;
- Bio-hazard mask and latex gloves;
- First Aid Kit;
- Fire extinguisher;
- Graffiti removing solvents; and
- Clean rags and paper towels.

Graffiti solvents should be tightly secured to prevent escape of fumes and should be stored separate from rags and towel materials.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the City Service Center or other authorized location. Vehicles should be fueled at the end of each shift.

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704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Medford to provide assigned take-home vehicles.

706.2 POLICY

The Medford Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All vehicles used in patrol operations are equipped with a police radio and emergency equipment as defined by ORS 816.250 and OAR 735-110-0010 through OAR 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after

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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.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital 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 ECSO. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Bureau Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.9 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.10 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in 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.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.12 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" 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.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 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.

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706.4.2 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 60-minute drive time) of the Medford City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.4.3 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 in the City of Medford is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Medford may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police. Members who reside outside of Jackson County will not be allowed to drive their take-home vehicles home and will be required to secure the vehicle at the Department.

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 Bureau 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 except:

1. In circumstances when a member has been placed on call by the Chief of Police or Bureau Commanders and there is a high probability that the member will be called back to duty.

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2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Bureau Commanders.
4. When the vehicle is being used by the Chief of Police, Bureau Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(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.

(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 the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Medford 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).

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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.

706.4.5 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 repair card 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, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also be recorded with the Watch Commander on the shift assignment roster.

706.6 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 administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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706.7 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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Digital Cameras

707.1 PURPOSE AND SCOPE

Medford Police Department personnel utilize digital photography as the primary source for evidence collection and recording. A department issued PCD may be used as a back-up camera on major cases at the discretion of a supervisor. In cases where a department issued PCD is used, the Police Officer shall book the digital photographs into Records Imaging as evidence. Department personnel using digital cameras or PCDs shall treat all photos taken for evidentiary purposes as any other physical evidence regarding integrity of such throughout the capture, transportation and storage. Digital photos taken for evidence shall be filed in an unaltered state. Any photo alterations or enhancements shall be retained separate from the original and thoroughly documented. Digital photos are stored in the computer in the worm drive, same as imaging.

Medford Police Department issues digital cameras to all field personnel.

PROCEDURES:

- 707.01 PRO Using Digital Cameras

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Radio Use Policy

709.1 PURPOSE AND SCOPE

This policy establishes procedural guidelines for mobile communications use pursuant to the intergovermental agreement with Emergency Communications of Southern Oregon (ECSO).

PROCEDURES:

- 709.05 PRO Alert Tone
- 709.06 PRO Priority Responses
- 709.07 PRO Specific Radio Requests

REFERENCES:

- 709.01 REF Radio Codes
- 709.02 REF Phonetic Alphabet
- 709.03 REF Recommended Terminology
- 709.04 REF Department Call Signs

709.2 RADIO USE GUIDELINES

Only authorized Department personnel shall use the mobile radio system, following initial training.

All Department personnel using the mobile radio system should:

(a) Be professional at all times;

(b) Monitor ongoing radio activity when possible;

(c) Speak clearly and with audible speech;

(d) Use a clear text format, with exception of specific designated codes;

(e) Brief and focused with all transmissions and only with necessary information;

(f) Refrain from emotion, humor and sarcasm;

(g) Refrain from lengthy, complicated or transmissions involving information of a confidential nature;

(h) Identify themselves with full assigned call sign;

(i) Promptly respond when called on the primary frequency with an accurate geographic location upon initial radio response;

(j) Notify dispatcher of current status if unavailable for emergency response; and

(k) Monitor and promptly respond to direction given by a supervisor over the radio.

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Cash Handling, Security and Management

710.1 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.

710.2 POLICY

It is the policy of the Medford 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.

710.3 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.

710.4 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.

710.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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710.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or MADGE 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.

710.7 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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Personal Protective Equipment

711.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

711.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

711.2 POLICY

The Medford Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

711.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

711.4 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.

711.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAR 437-002-0134.

711.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

711.7 RESPIRATORY PROTECTION

The Administration Support Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; OAR 437-002-0120):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

711.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; OAR 437-002-0120):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

711.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; OAR 437-002-0120):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

711.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; OAR 437-002-0120).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

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(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

711.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

711.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; OAR 437-002-0120).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; OAR 437-002-0120):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

711.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; OAR 437-002-0120):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

711.8 RECORDS

The Training Coordinator is responsible for maintaining records of all:

(a) PPE training.

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(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and OAR 437-002-0360.

711.9 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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Chapter 8 - Support Services

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Tactical Information Unit

800.1 PURPOSE AND SCOPE

The Tactical Information Unit should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Oregon Department of Transportation
- Oregon Traffic Safety Commission

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime;
- Geographic factors;
- Temporal factors;
- Victim and target descriptors;
- Suspect descriptors;
- Suspect vehicle descriptors;
- Modus operandi factors;
- Physical evidence information; and
- Problem-oriented or community policing strategies.

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the

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development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

804.1 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.

PROCEDURES:

- 804.02 PRO Collecting Blood Evidence See attachment: 804.02 PRO Collecting Blood Evidence.pdf
- 804.03 PRO Collecting Saliva Evidence See attachment: 804.03 PRO Collecting Saliva Evidence.pdf
- 804.04 PRO Collecting Semen Evidence See attachment: 804.04 PRO Collecting Semen Evidence.pdf
- 804.05 PRO Photography of Physical Evidence See attachment: 804.05 PRO Photography of Physical Evidence.pdf
- 804.06 PRO Processing Latent Fingerprints See attachment: 804.06 PRO Processing Latent Fingerprints.pdf
- 804.07 PRO Seizure of Explosives and Flammables See attachment: 804.07 PRO Seizure of Explosives and Flammables.pdf
- 804.08 PRO Forensic Latent Print Examinations See attachment: 804.08 PRO Forensic Latent Print Exams.pdf
- 804.11 PRO Disposition of Firearms See attachment: 804.11 PRO Disposition of Firearms.pdf
- 804.13 PRO Releasing of Firearms See attachment: 804.13 PRO Releasing Firearms.pdf
- 804.16 PRO Depositing Cash Funds at the Finance Department See attachment: 804.16 PRO Depositing Cash Funds at Finance.pdf
- 804.17 PRO Disposition of Narcotics See attachment: 804.17 PRO Disposition of Narcotics.pdf
- 804.18 PRO Disposition of Decedent's Property See attachment: 804.18 PRO Disposition of Decedent Property.pdf
- 804.19 PRO Disposition of Prisoner Property See attachment: 804.19 PRO Disposition of Prisoner Property.pdf
- 804.20 PRO Disposition of Found Property See attachment: 804.20 PRO Disposition of Found Property.pdf

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•804.21 PRO Disposition of Found Bicycles See attachment: 804.21 PRO Disposition of Found Bicycles.pdf

•804.22 PRO Syringe Handling and Disposal See attachment: 804.22 PRO Syringe Handling and Disposal.pdf

FORMS:

•804.09 FRM Forensic Support Unit — Administrative Case Review See attachment: 804.09 FRM Admin Case Review Form.pdf

•804.10 FRM Evidence Area Access Log See attachment: 804.10 FRM PC Access Log.pdf

•804.12 FRM Firearms Release Confirmation Affidavit

•804.14 FRM Weapons Ownership Inquiry Letter See attachment: 804.14 FRM Weapons Ownership Inquiry.pdf

•804.15 FRM Firearm Return Affidavit See attachment: 804.15FRMREVISED.pdf

REFERENCES:

•804.15 REF ORS 161.295-426.130

804.1.1 PROPERTY CONTROL BUSINESS HOURS

The Property Control facility is a secured facility. It is open to the public at the public access window for return of property and evidence Monday through Thursday, 0630 hours to 1830 hours. Property Control is staffed with a minimum of one Property Specialist during all hours the facility is open.

Officers may gain access to the open compound, Vehicle Bay and the Property Prep Room 24/7 to process incoming evidence and property.

The alarm system is set and active at all times the Property Control facility is unoccupied. All department personnel shall reset the alarm system upon vacating the facility.

The general office area and all areas where property and evidence is securely stored is accessible only to select designated personnel. All visiting Department personnel and others shall sign-in and be accompanied by an authorized Property Specialist at all times while in the evidence storage areas.

804.2 DEFINITIONS

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Property - Includes all items of evidence, items taken for safekeeping, and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm

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- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly logged into the computerized evidence management system and placed in the designated property locker or storage area. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.3.1 PRISONER PROPERTY

Officer's Procedure Logging in Prisoner Property :

Note:Under most circumstances the jail will not accept prisoner's property therefore it is the officer's responsibility to complete the following steps to ensure safety and security for all.

An administrative inventory of the arrestee's personal property shall be conducted for the purpose of protecting an arrested person's personal property by itemizing and issuing a receipt for valuable items and ensuring the safety and security of the Evidence Division.Closed containers shall be opened and inventoried.

- The Evidence Division **WILL NOT ACCEPT ANY PRISONER'S** PROPERTY that has not been inventoried by the officer.This inventory includes checking for **WEAPONS, DRUG PARAPHERNALIA, DRUGS, EXPLOSIVE DEVICES, SHARPS, PERISHABLE FOOD ITEMS, BIO-HAZARDS, AND VALUABLES INCLUDING CASH,** prior to being placed into MPD custody.This is an important safety issue.If any of the above items are located, they shall be removed from the belongings and logged in separately thru the Computerized Evidence Management System.If any explosive devices are found, a supervisor will be immediately contacted and the Oregon State Bomb Squad notified.
- Complete logging in the prisoner's property thru the Computerized Evidence Management System.Select the type of property as "PPR" (prisoner property), enter

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the prisoner's name and select the check boxes as owner/return to.If the prisoner has cash, follow the instructions for logging in currency.

- Print your barcode with the item description and attach to the prisoner's property and place in the Prisoner Property room. **Note:items describe above such as weapons, drugs or drug paraphernalia, bio-hazards, and cash that are packaged separately are to be placed in a slam locker.Perishable food items, bio-hazards, and sharps are to be noted in the officer's report and disposed of.**

804.3.2 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property mask in the Computerized Evidence Management System describing each item of property separately, listing all serial numbers, owner’s name, finder's name, and other identifying information or markings.

(b) Seal each item of evidence with tamper proof evidence tape, date and intial with booking employee’s initials using the appropriate method so as not to deface or damage the value of the property.

(c) Print out the barcodes for each item of evidence/property and attach it to each package or envelope in which the property is stored.

(d) At the final submit stage in the Computerized Evidence System, a property report will be sent via email to the Records Division.

(e) When the property is too large to be placed in a locker, the item may be retained in the vehicle bay.

804.3.3 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (Including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate Property Record.

The officer seizing the narcotics and dangerous drugs shall place them in a slam locker after logging them in and placing a barcode on the evidence envelope.

804.3.4 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. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

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The Property Specialist is responsible for transporting to the OSP, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.5 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Firearms shall be unloaded, rendered safe, and placed in a firearms box. Ammunition shall be packaged separately.

(b) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.

(c) Syringes shall not be stored in evidence, except in the case of a major investigation. Syringe contents may be flushed and retained using provided saline water. The syringe should then be disposed of in the provided biohazard sharps receptacle. If the syringe is to be retained, it shall be stored and sealed in a syringe tube.

(d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.

(e) All cash shall be counted in the presence of a witnessing employee and the envelope initialed by the booking officer and the witness.

(f) A supervisor shall be contacted for cash in excess of $1,000 for verification of currency count, regardless of whether the count is done by hand or using the cash counting machine. Whenever possible, amounts in excess of $1,000 should be counted using the cash counting machine and should be conducted twice to verify original count.

(g) All offsite counts without video surveillance shall be recorded with (in the presence of) a body camera.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.6 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 Specialist will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon State Police Physical Evidence Manual.

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804.3.7 STORAGE OF SURRENDERED WEAPONS
Officers shall accept and store any weapons and ammunition from an individual who has been ordered by a court pursuant to an extreme risk protection order (ORS 166.527) or a protection order or judgment of conviction subject to the provisions of ORS 166.255 to surrender weapons and ammunition. The officer receiving the surrendered items shall prepare a property receipt and provide the individual with a copy. The officer should promptly forward the original receipt to the Records Manager for timely filing with the court (ORS 166.537).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs;

(b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible. All firearms shall be placed in a firearms box and a "safe" sticker placed on firearm box;

(c) Property with more than one known owner;

(d) Paraphernalia as described in ORS 475.525(2);

(e) Fireworks and other hazardous materials;

(f) Contraband;

(g) Currency.

804.4.1 PACKAGING CONTAINER
Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room however, when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A barcode shall be securely attached to the evidence packaging to secure the evidence.

804.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated 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 and complete the Computerized Evidence Sytem. The booking officer shall initial the sealed envelope and the initials covered with evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

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804.5 RECORDING OF PROPERTY

The Property Specialist receiving custody of evidence or property shall review each item. The date and time the property was received will be recorded in the Computerized Evidence System.

Any changes in the location of property held by the Medford Police Department shall be noted in the Computerized Evidence System.

804.6 PROPERTY ROOM SECURITY

Access to the Property Room is limited to Property Specialists and the Lieutenant and Deputy Chief of the Administrative Division. Visitors are logged in and out, including the time, date and purpose of entry into the inner sanctum. All personnel entering the Property Room must be accompanied at all times by a Property Specialist.

Audits and inventories shall be completed pursuant to the Property Room Procedures Manual.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released, received, or transferred to a person outside of Property Control, an appropriate entry in the computerized evidence system shall be completed to maintain the chain of custody. No evidence is to be released without first receiving authorization from the assigned investigator or his/her supervisor.

Request for analysis for any evidence shall be completed on the appropriate forms and submitted to the Property Specialist. This request may be filled out any time after the booking of property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the evidence tracking system.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the receiving lab personnel will record the delivery time on the completed lab form. The original copy of the lab form will remain with the evidence and the copy will be returned to the Property Division for filing with the Property Report.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the evidence tracking system, stating the date, time and to whom released.

The Property Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence tracking system, indicating date, time, and the person who returned the property.

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804.6.4 RELEASE OF PROPERTY

Found property may be released to a verified owner at the discretion of the Property Specialist without further authorization. A Property Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property receipt. After release of all property entered on the property control report, the report shall be forwarded to the Records Division for filing with the case. If some items of property have not been released the property report will remain with the property division. Upon release, the proper entry shall be documented in the Property evidence tracking system.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 15 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property will be held for at least 30 days.

804.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA's office and the officer or detective assigned to the case.

All evidence seized as a result of a search warrant, may only be released, destroyed, and/or auctioned **after** obtaining a motion and order from the court to do so. (Refer to *Property Control Procedures Manual*)

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Property Specialist 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 of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Medford 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.

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All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Medford Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property Division will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

804.6.8 RELEASE OF DEADLY WEAPONS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a deadly weapon or concealed handgun license that was surrendered pursuant to the order shall be returned to the person after (ORS 166.540):

(a) Confirming through a background check, if the deadly weapon is a firearm, that the person is legally eligible to own or possess the firearm under federal and state law; and

(b) Confirming that the extreme risk protection order is no longer in effect.

If a third party claims lawful ownership or rightful possession to a deadly weapon that was surrendered pursuant to an extreme risk protection order, the Department may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

- He/she may lawfully possess the deadly weapon.
- He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- He/she will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with Department policies and procedures for disposal of deadly weapons (ORS 166.540).

804.6.9 RELEASE OF FIREARMS

Firearms shall only be released upon successful completion of a criminal background check and supervisor approval, refer to MPD Procedures 804.11 PRO and 804.13 PRO for specifics.

If the owner of the firearm(s) lives outside Jackson County then the firearm(s) shall be transferred to the owner's local Law Enforcement Agency. A request shall me made of that Law Enforcement Agency to complete a criminal background check on the owner of the firearm(s) before releasing the firearm(s). If the Law Enforcement Agency is unable to receive the firearm(s) then Medford Police will attempt to locate another Law Enforcement Agency to release the firearm(s) to, with supervisor approval. Situations of mitigating circumstances or those in the interest of justice shall be determined by the Department on a case-by-case basic and with the authorization of a supervisor.

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804.6.10 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE PROTECTION ORDER MATTERS

If a protection order subject to the provisions of ORS 166.255 is terminated or expires without renewal, any firearms or ammunition surrendered pursuant to the order shall be returned upon the request of the respondent after the following actions are taken (ORS 166.257):

(a) Notify the Department of Justice of the request.

(b) Confirm that the protection order is no longer in effect.

(c) Confirm through a background check that the respondent is legally eligible to own or possess firearms and ammunition under federal and state law.

Return of the surrendered items will take place no earlier than 72 hours after the request was received (ORS 166.257).

Firearms and ammunition that remain unclaimed shall be disposed of in accordance with department policies and procedures for disposal of deadly weapons (ORS 166.540).

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Specialist shall request a disposition or status on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

804.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

Unclaimed Property - Personal property that was seized by the Medford Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Medford 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.

804.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

(a) Destruction

(b) Sale at public auction

(c) Retention for public use

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804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Division shall preserve biological evidence in accordance with Oregon Revised Statutes (ORS 133.705-133.717).

The definition of biological evidence and covered offenses has been outlined in ORS 133.705. Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence Section supervisor, or the expiration of any sentence imposed related to the evidence, whichever time period is greater.

Biological evidence related to 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 Criminal Investigations Bureau Commander should be consulted.

The Property and Evidence Section supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence.

All other biological evidence, not meeting the standards laid out in ORS 133.707 must be retained until the expiration of the applicable statute of limitations.

Sexual assault kits, including anonymous kits, shall be retained by the Department no less than 60 years after the collection of the evidence (2016 Oregon Laws, c. 89. § 4.)

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures. Such inspection shall include a random audit of firearms, narcotics and general inventory, and a complete inventory of the contents of the safe.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Bureau Commander appointed by the Chief of Police who is not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all cash, firearms, narcotics and a significant sample from general inventory shall be made by to ensure that records are correct and all evidence property is accounted for.

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Records Division

805.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Medford Police Department Records Division. The policy addresses department file access and internal requests for case reports.

FORMS:

- 806.01 FRM Case Release Information

REFERENCES:

- 806.02 REF Fees Charged for Public Records Requests

805.2 POLICY

It is the policy of the Medford Police Department to maintain department records securely, professionally, and efficiently.

805.3 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, and accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Watch Commander.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

805.4 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

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805.5 REPORTING CRIME STATISTICS

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Division personnel to enter such information into the Medford Police Department data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225).

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Records Maintenance and Release

809.1 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.

809.2 POLICY

The Medford Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

809.3 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 bureau 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)).

809.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

809.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

(a) Requests for public records shall be made in writing.

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(b) The Department is not required to create records that do not exist.

(c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.

(d) A written acknowledgement shall advise the requester of one of the following:

1. The Department is the custodian of the requested record.
2. The Department is not the custodian of the requested record.
3. The Department is uncertain whether the Department is the custodian of the requested record.

(e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of 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 department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
3. A written statement is sent to the requester that the Department is not the custodian of records for the record requested.
4. A written statement that state or federal law prohibits the Department from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Department.

(g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Department has

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waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or 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).

809.4.2 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the Attorney General or the District Attorney, the Department will have the burden to support the denial (ORS 192.401; ORS 192.415).

809.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

(c) Member identification badge or card as provided in ORS 192.371.

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(d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS 181A.825).

(e) A photograph of public safety personnel without the written consent of that member (ORS 181A.830).

(f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.830; ORS 192.345(12)).

(g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).

(h) Certain juvenile records (ORS 419A.255; ORS 419A.257).

(i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).

(j) Audio or video records of internal investigation interviews (ORS 192.385).

(k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).

(l) Ongoing litigation records, including those created in anticipation of potential litigation (ORS 192.345(1)).

(m) Certain identifying information of an individual that has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.

(n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).

(o) Any public records or information prohibited by federal law (ORS 192.355).

(p) Any public records or information prohibited, restricted, or made confidential or privileged under Oregon law (ORS 192.355).

(q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).

(r) Records of a person who has been in the custody or under the lawful supervision of a state agency, a court, or a unit of local government are exempt from disclosure for 25 years after termination of such custody or supervision. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).

(s) Audio or video recordings from a member's body-worn camera that record the member's interaction with members of the public. Such recordings may only be disclosed under the conditions provided by ORS 192.345, including facial blurring.

(t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. Personal information for this purpose means individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).

(u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the Department (ORS 131.935).

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(v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).

(w) Images of a deceased person or parts of a deceased body that are part of a law enforcement agency investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased person's family (ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

809.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

809.7 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.

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.

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(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 Medford 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.

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Protected Information

811.1 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 Medford 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.

811.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Medford 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.

811.2 POLICY

Members of the Medford 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.

811.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and Law Enforcement Data System (LEDS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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811.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Medford 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.

811.4.1 ACCESS TO OREGON STATE PATROL OFFENDER INFORMATION

Access to Oregon State Patrol (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

811.5 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 Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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811.5.1 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.

811.6 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.

811.6.1 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).

811.7 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.

811.7.1 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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Computers and Digital Evidence

813.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

Medford Police Department participates in the High Tech Crimes Task Force and Digital Evidence Forensic Laboratory.. All forensic digital evidence obtained by Medford Police Department shall be processed through the Task Force, pursuant to Task Force policies, procedures and inter-agency agreements.

PROCEDURES:

- 814.01 PRO Seizing Electronic Evidence

FORMS:

- 814.02 FRM Forensic Computer Examination Request

813.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the officer should consult with a computer specialist and the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

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2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).
3. Seal each drive slot with evidence tape.
4. Package all components as fragile cargo.
5. Seize all instruction manuals and software related to the computer.

(e) Label each item with case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

813.2.1 BUSINESS OR NETWORK COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

813.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

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(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

813.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

813.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a faraday bag to prevent the device from sending or receiving information from its host network.

813.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

813.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

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813.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media recorded by officers using Department-owned cameras, audio recording devices or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to a Records Specialist as soon as possible for submission into evidence. Once the recording has been completely downloaded, the storage device may be erased and returned to the officer for re-use. The Records Specialist will make any necessary copies of the memory card using appropriate storage media.

(b) Officers are not authorized to review or copy memory cards. Records Specialists are the only employees authorized to copy and/or distribute digital media made from the memory cards.

813.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

813.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only certified computer technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Animal Control

819.1 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.

819.2 POLICY

It is the policy of the Medford 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.

819.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

819.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding personnel generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

819.5 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, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

819.6 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.

819.6.1 INJURED WILDLIFE

Injured wildlife should be referred to the Oregon Department of Fish and Wildlife or Oregon State Police, Fish and Wildlife Division.

819.7 CITATIONS

It should be at the discretion of the officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

819.8 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

819.9 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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819.10 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.

819.11 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

819.12 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

819.13 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.

819.14 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.

819.15 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.

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(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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Jeanne Clery Campus Security Act

821.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

821.2 POLICY

The Medford Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Medford Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Medford Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Medford Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

821.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

(a) Ensure that the Medford Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)),
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)),
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Medford Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the Medford Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to staff at the institution regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

821.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining Medford Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7) and 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(12) and 34 CFR 668.46(c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus, residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Medford Police Department (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

821.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4);34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Medford Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

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(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

821.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Support Bureau Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3);34 CFR 668.46(e) and (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.

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6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

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Honor Guard

822.1 PURPOSE AND SCOPE

Medford Police Department uses a ceremonial Honor Guard for the following events:

(a) Funeral services for officers killed in the line-of-duty at Medford Police Department and other police agencies;

(b) Funeral services for officers that die while employed at Medford Police Department;

(c) Funeral services for retired officers that die upon request by the immediate family;

(d) Services for fallen officers for outside police agencies;

(e) Law enforcement and military memorial ceremonies;

(f) Parades;

(g) Promotions, law enforcement conferences and other Department ceremonies; and

(h) Other ceremonial functions at the direction of the Chief of Police.

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Parent Aid Project

823.1 PURPOSE AND SCOPE

Medford Police Department participates in the Parent Aid Substance Abuse Testing Program as certified by the Oregon Department of Human Services. Certificate of Substance of Abuse Testing Registration issued by Oregon Department of Human Services under the entity name "Oregon Association of Chiefs of Police (Parent Aid Project)" shall be kept current and conspicuously posted at Medford Police Department.

PROCEDURES:

- 825.01 PRO Administering Parent Aid Tests

FORMS:

- 825.02 FRM Parent Aid Voluntary Urinalysis Testing Consent

823.1.1 EXEMPTION FROM CRIMINAL INVESTIGATIONS

The Parent Aid Project shall not be used in any criminal investigation.

The Parent Aid Project Program consent forms, test results and all other related documentation shall be kept separate from all criminal investigations.

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Chapter 9 - Custody

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Prison Rape Elimination

901.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Medford Police Department Temporary Holding Facilities (28 CFR 115.111).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

901.2 POLICY

The Medford Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Medford Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

901.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Medford Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Medford Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

901.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

Prisoners wishing to make a report outside of our agency can call the General Hotline for PREA Allegations at (877) 678-4222.

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901.4.1 MEMBER RESPONSIBILITIES
Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

901.4.2 WATCH COMMANDER RESPONSIBILITIES
The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

901.5 INVESTIGATIONS
The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 FIRST RESPONDERS
The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

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(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Medford Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

901.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment

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or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS
No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

901.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

901.6 RETALIATION PROHIBITED
All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

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The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

901.7 REVIEWS AND AUDITS

901.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

901.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

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(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Medford Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

901.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

901.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.

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- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Medford Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody and the public. This policy is intended to protect their overall safety and security at all times.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - A search of an individual and his/her property to include all items of clothing being worn by the individual. This search should be conducted for any dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 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.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, prior to entry into the Medford 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, processing area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility and all City of Medford employees.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Medford Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

When applicable, all money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4.3 RECEIPT FOR PROPERTY OR MONEY

The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

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902.5 STRIP SEARCHES

No individual in temporary custody at any Medford Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Medford 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:

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1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the 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.
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.

902.5.2 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, except that the Watch Commander authorization does not need to be in writing.

902.5.3 DUII INVESTIGATIONS

Nothing in this policy prohibits an officer from inspecting a person's mouth prior to the administration of an Intoxilyzer test involving a driving under the influence of intoxicants investigation.

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902.5.4 MEDICAL EMERGENCIES

If an officer has probable cause to believe that a person has secreted evidence or contraband within his / her person, and the person's health is in imminent danger of serious physical injury or death due to the secretion or ingestion of the item, then the officer shall immediately have the person transported by ambulance to hospital or other appropriate medical facility for medical treatment and removal by qualified medical staff.

Such exigent circumstances for retrieval of evidence shall not be a situation created or directly influenced by the officer's actions. The officer shall articulate such circumstances in detail in appropriate incident reports.

902.5.5 SEXUAL ASSAULT INVESTIGATIONS

During investigations involving sexual assaults, officers may summon a Sexual Assault Nurse Examiner (SANE Nurse), that is specially trained to obtain forensic evidence contained within the person of a sexual assault victim. Such procedure shall be conducted within a medically-acceptable environment.

902.6 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.

(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.

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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.

902.7 TRAINING

The Training Coordinator 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.

902.8 CLOSED CONTAINER SEARCHES

Closed containers will not be opened for inventory purposes except when the container is commonly used to store valuables. For example, the following shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

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Temporary Custody of Adults

904.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Medford 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 and/or are being held.

Custodial searches are addressed in the Custodial Searches Policy.

904.1.1 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 Medford Police Department prior to being released or transported to a housing or other type of facility or transferred to another law enforcement agency, or lodged at a local correctional facility.

904.2 POLICY

The Medford 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 the purpose of investigation, DUII processing, transfer to another law enforcement agency.

904.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (ORS 169.005).

904.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Medford 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, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. 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.

904.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member 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.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

904.3.3 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.

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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904.4 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 City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

904.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in temporary custody shall:

(a) Advise the Watch Commander 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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904.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Bureau Commander 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.

904.5 SAFETY, HEALTH AND OTHER PROVISIONS

904.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Medford 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) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

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(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Medford Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

904.5.2 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 attorney visits.

(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) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches (ORS 169.078).

904.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

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Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Medford Police Department. They should be released or transferred to another facility as appropriate.

904.5.4 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 Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

904.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever 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.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

904.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

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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.

904.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and edged weapons are not be permitted in the holding cells, interview rooms or DUII testing room where individuals are in custody or are being processed (ORS 169.078). They should be properly secured outside of the processing area or non-custodial interview rooms.An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to the processing area 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.

904.6 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 Medford 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.

904.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

904.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is

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required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

904.8 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 he/she 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, 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.

(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 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

904.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Bureau Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Medford 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 Criminal Investigations Bureau Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

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(e) Notification of the City Attorney.

(f) Notification of the Coroner.

(g) Evidence preservation.

904.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Medford Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

    1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

904.11 ASSIGNED ADMINISTRATOR

The Patrol Bureau Commander 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

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(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety

(h) Disaster plans

(i) Building and safety code compliance

904.12 TRAINING

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

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Medford Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.1.1 ASSISTANCE TO OTHER CITY DEPARTMENTS

Medford Police Department may assist other departments within the City of Medford with limited pre-employment background investigations for prospective city employees, pursuant to City of Medford Administrative Regulation 02-5.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Medford Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Support Bureau Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department 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.

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The Administration Support Bureau Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 OUTSIDE DISCLOSURE OF BACKGROUND INFORMATION

Pre-employment background investigations are highly confidential in nature and are accessible only to City Human Resources and Department personnel on a need-to-know basis.

Previously completed pre-employment background investigations maintained by Medford Police Department may be partially disclosed to outside police agencies during their pre-employment background investigations under certain conditions. Completed pre-employment background investigations may be disclosed to the inquiring police agency upon receipt of:

- A comprehensive waiver of liability signed by the applicant;
- Application for employment to the inquiring police agency; and
- A memorandum to the Medford Chief of Police by the officer facilitating the request; or
- A court order.

The following information may not be disclosed from a Medford Police Department pre-employment background investigation to any outside police agency:

- Handwritten notes by the background investigator, which discloses specific statements and information revealed from specific sources;
- Medical information;
- Financial and credit history information; and
- Personnel files.

1000.5 RE-APPLICATION FOLLOWING FAILURE DURING TESTING PHASES

Any applicant who fails to achieve a passing score during either the assessment center interview process or an oral interview board of the testing processes shall be ineligible to re-apply for a period of 2 years from the date of participation in the failed process, or at the discretion of the Chief.

Any applicant who is disqualified as the result of a pre-employment background investigation or psychological examination by this Department shall be ineligible to re-apply for employment with Medford Police Department for a minimum of 2 years or longer from the date the background investigation was completed, or at the discretion of the Chief.

The length of disqualification may be extended beyond the 2-year minimum, based on the specific reason for qualification.

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A candidate disqualified as a result of the pre-employment background investigation which involves evidence of untruthfullness, dishonesty by admission, omission, deception, misrepresentation or falsification shall be ineligible to re-apply at any time in the future.

A disqualified applicant shall successfully meet all state-mandated and Department pre-requisites for the position applied for at the time of application or re-application.

1000.6 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

1. The personnel records of any applicant for [officer_deputy] or reserve [officer_deputy] shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (2020 Oregon Laws, c.7, § 4).

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320

(g) Local, state, and federal criminal history record checks

(h) Medical and psychological examination (may only be given after a conditional offer of employment)

(i) Review board or selection committee assessment

1000.6.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.7 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

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the candidate's unsuitability to perform duties relevant to the operation of the Medford Police Department (OAR 259-008-0015).

1000.7.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.7.2 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Administration Support Bureau Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Administration Support Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Support Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.7.3 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.7.4 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.7.5 STATE NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.8 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred

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- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.9 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.9.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

(a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date

(b) Be at least 21 years of age

(c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(d) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug

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4. Any offense that would subject the candidate to a denial or revocation of a peace officer license

(e) Meet the moral fitness standards

(f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree

(g) Complete a medical examination

(h) Meet the physical standards requirements

(i) Complete a psychological screening (ORS 181A.485)

(j) Complete a law enforcement skills proficiency test

1000.9.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc:

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel;

(c) Showing strong moral character and integrity in dealing with the public; and

(d) Being honest in dealing with the public.

(e) The following may be disqualifying:

(a) Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies;

(b) Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating; or

(c) Evidence of untruthfulness, dishonesty by admission, omission, deception, misrepresentation or falsification.

1000.9.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following may be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under Oregon law within three years prior to application;

2. Conviction of two or more misdemeanor offenses under law as an adult;

3. Conviction of any offense classified as a misdemeanor under Oregon law while employed as a peace officer (including military police officers);

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4. Admission(s) of having committed any act amounting to a felony (including felonies treated as misdemeanors at sentencing) under Oregon law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers);
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft;
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult;
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consenual unlawful intercourse accomplished beween two minors shall not be included, unless more than three years difference in agae existed at the time of the acts;
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying;
9. Any misuse of authority, including abuse of public truct; obaining a benefit or avoidance of a detriment; and other similar actions under color of office; or
10. Any misconduct that includes conduct that violates the law, the Law Enforcement Code of Ethics, and practices or standards generally followed in the Oregon public safety profession.

1000.9.4 DEPENDABILITY

(a) A record of submitting reports on time and not malingering on calls;

(b) A record of being motivated to perform well;

(c) A record of dependability and follow through on assignments;

(d) A history of taking the extra effort required for complete accuracy in all details of work; and

(e) A willingness to work the hours needed to complete a job.

(f) The following may be disqualifying:

1. Missing any scheduled appointment during the process without prior permission;
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations;
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult;
4. Having a work history that indicates an inability to maintain a long-term relationship with an employer or to establish and work toward achieving long-term goals or demonstrated insubordination;

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5. For officer applicants having undergone personal bankruptcy more than once;
   (a) Having current financial obligations for which legal judgments have not been satisfied;
   (b) Currently having wages garnished; or
   (c) Any other history of financial instability. (The credit history of an applicant or employee shall not be used or obtained as a part of an employment decision, including hiring, discharge, promotion or demotion, unless the position qualifies as a public safety officer as defined in OAR 839-005-0075).
6. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged; or
7. Having any outstanding warrant of arrest at the time of the application.

1000.9.5 LEARNING ABILITY

(a) The ability to comprehend and retain information;

(b) The ability to recall information pertaining to laws, statutes, codes, etc.;

(c) The ability to learn and to apply what is learned; and

(d) The ability to learn and apply the material, tactics, and procedures that are required of a law enforcement officer.

(e) The following may be disqualifying;
   1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application;
   2. Having been academically dismissed from any DPSST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except; subsequent successful completion of another DPSST basic law enforcement academy shall rescind this requirement; or
   3. A demonstrated inability to perform multi-tasking skills under pressure situations.

1000.9.6 PERSONAL SECURITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others;

(b) Empathy;

(c) Discretion, not enforcing the law blindly;

(d) Effectiveness in dealing with people without arousing antagonism; and

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following may be disqualifying:

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1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination;
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation;
3. Having been disciplined by any employer as an adult for fighting in the workplace; or
4. A demonstrated disregard for the rights of others, including Constitutional violations, violations of the Law Enforcement Code of Ethics regarding fairness, respect for the rights of others, protecting the vulnerable and the fundamental duty to protect and serve.

1000.9.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations;

(b) The ability to make sound decisions on the spot;

(c) The ability to use good judgment in dealing with potentially explosive situations; and

(d) The ability to make effective, logical decisions under pressure.

(e) The following may be disqualifying:

1. Admission(s) of administrative conviction or criminal conviction for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws; or
2. Any admission(s) of administrative conviction or criminal conviction for failure to property report witnessed criminal conduct committed by another law enforcement officer.

1000.9.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

(a) Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment;

(b) Any adult use or possession of marijuana within one year prior to application for employment;

(c) Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment;

(d) Any other illegal adult use or possession of a drug while employed in any law enforcement capacity, criminal justice capacity, or as military police;

(e) Any adult manufacture or cultivation of a drug or illegal substance;

(f) Failure to divulge to the Department any information about personal illegal use or possession of drugs; or

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(g) Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile;
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.); or
3. Any illegal or unauthorized use of prescription medications.

1000.10 PROBATIONARY PERIODS

The Administration Support Bureau Commander should coordinate with the Medford 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.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Medford Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 PERFORMANCE MANAGEMENT PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Performance Management is a process designed to foster communication with and between employees, guide performance and create development opportunities through each interaction. The City form used to document these interactions is the "City QuickChat" document.

The form can be found on the shared M:drive/City Forms/City *QuickChat*. The City *QuickChat* is the template document to be utilized by all employees to document communication. In the event an employee does not have readily available access to the City's technology systems, forms will be provided in the workplace.

All supervisors are guided by the principle that regular contact and communication with their employees is the cornerstone of an effective, efficient and productive work environment. Supervisory contact with employees regarding work performance is essential. Regular praise for performing the requirements of the assigned job and immediate contact to correct any errors or deficiencies is a minimum requirement for supervisors to be successful in their role and foster the success of employees. The City's ability to ensure supervisors are connecting with employees is centered on the documentation they provide via the aforementioned City QuickChat.

The City QuickChat is designed as a tool for the supervisor to create speedy documentation regarding their contact with employees. There is no need for lengthy explanation, rather a quick note of the basis for the supervisors contact with the employee. In the event very specific

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information is needed for purposes of specific guidance, goals, objectives, directives, etc., the supervisor will provide more specific commentary. The City QuickChat, in this circumstance, will be utilized to document that the supervisor met with the employee to provide guidance in the area discussed. Human Resources is required to receive all City QuickChat documents and to provide regular reporting to the City Manager and directors regarding supervisory engagement in their areas of responsibility.

Creating contact with employees and taking appropriate action is fundamental to ensuring development and success of employees as we reinforce our mission of ***Continuous Improvement ~ Customer Service*** and pursue the City's vision of being ***an outstanding community - a vibrant place for people to live, work and play*** .

1002.4 EVALUATION PROCESS

The initial review process must occur whenever a supervisor is assigned a new employee, probationary or otherwise.

- **Probationary** - Supervisors/training designees are required to regularly review the progress of new/probationary employees in the workplace and document these reviews with the City *Quickchat* form. Supervisors are required to provide a formal review for the employee within 15 days of each of the first three (3) quarters of employment. If the supervisor affirms the employee will complete his/her probationary period, a final review in the form of the City *QuickChat will be completed prior to the end of the probationary period. This final document will become a part of the employee's official personnel record.* The minimum requirement for the content of this final probationary review is:

You have progressed effectively in your ability to complete the assigned responsibilities of a (classification title) during your probationary period and exhibited the ability to work well within your work area, the City's workforce and with the citizen's we serve.

Based on the above, you will be elevated to regular employment status as of (date - day after the end date of the probation period.)

Full-time permanent status personnel:

Permanent employees are subject to two types of performance evaluations.

Regular - For patrol personnel and those assignments/positions that have scheduled shift changes, an evaluation shall be completed in September in conjunction with the scheduled shift change. For those assignments that do not require a shift change and/or change in direct supervision, the evaluations shall be completed each January for the previous calendar year.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and more than 90 days have transpired since the shift change, then an evaluation shall be completed by the immediate supervisor before the transfer is made. No additional evaluation will be required at the end of that rating period.

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1002.4.1 REVIEW OF PRIORITY POLICIES AND JOB DESCRIPTIONS

The evaluation interview conducted during the annual performance evaluation process should include a review of the following:

- City Administrative Regulation on Policy on Use of Information and Communications Systems (for all employees);
- Department policy on discriminatory harassment (for all employees);
- Department policy on conduct and discipline (for all employees);
- Department policy on use of force (for all sworn personnel);
- Department policy on vehicle pursuits (for all sworn personnel);
- Department policy on response to calls for service (for all sworn personnel); and
- Each employee's respective job description (for all employees).

Job descriptions are maintained by the City's Department of Human Resources and are periodically updated as appropriate. The applicable job description should be reviewed with the employee to ensure there is a complete understanding of the employee's responsibilities and competencies that are expected of him/her. The job description will describe specific and general job requirements. It is the supervisor's responsibility to identify specific job responsibilities that fall under general requirements and document those reqirements in a City *QuickChat*.

1002.4.2 SUPERVISOR RESPONSIBILITIES

After the intitial review, the supervisor is required to be actively engaged with his/her employees by seeking out development opportunities in the following areas:

- **Praise**
  - Getting the job done
  - Accomplishments
  - Customer Service
  - Work Product
  - General Demeanor
  - Exceeding Expectations
- **Training**
  - Directed
  - Suggested
  - On-the-job
  - Polaris Competency Development Guide
- **Reviews**
  - Probationary

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- Annual (as required by accreditation and step increases)
- **Guidance/Correction** on matters deemed necessary to further develop the employee's capability with assigned/required tasks.

Document the above engagement with a brief summary on a City *QuickChat* form.

- Have the employee initial acknowledging receipt.
- Provide a copy to your immediate supervisor.
- E-mail to *humanresources@cityofmedford.org*

Managers/Directors - in addition to the above, managers and directors are responsible for ensuring their supervisory staff are engaging with employees and documenting those interactions. This level of accountability is easy to track based on the copies of interactions the managers receive from their supervisory staff. If supervisors are not maintaining adequate contact and providing documentation, the manager/director must engage the supervisor and document the interaction.

1002.4.3 EMPLOYEE

Employees are also encouraged to utilize the City *QuickChat* form to pass on information regarding their own performance, other employee performance or any other information they deem worthy of consideration. The employee will provide this form to his/her immediate supervisor; however, the employee may provide the information further up the chain or to Human Resources if he/she is not comfortable with sharing the information at any level other than Human Resources. In all circumstances, the employee is entitled to response regading his/her submission.

1002.5 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1002.7 FILE RETENTION

Whenever a City *QuickChat* form is received from an employee, the person receiving it is required to e-mail the form to Human Resources at humanresources@cityofmedford.org. Employees may also e-mail the form to the person they want to receive the document and Human Resources. Human Resources will track submissions and ensure responses.

Reviews required for the successful completion of a probationary period, for an annual step increase, or an annual review required by a department will be a personnel record and will be retained in the employee's personnel file.

It is the responsibility of each department to ensure that these reviews are completed in a timely fashion.

The City QuickChat form is used for any reviews listed in this policy.

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Service Audits

1003.1 PURPOSE AND SCOPE

Division Commanders or their designees shall conduct random service audits of personnel under their command. Division Commanders determine the format and type of audits as well as frequency of audits.

A ***"Service audit"*** here is defined as a supervisor making direct contact with a random sample of citizens who recently received service from this agency. The employee who delivered the service is within the sueprvisor auditor's chain of command. The supervisor discusses the quality of service, employee's demeanor and whether or not further action is needed.

Service audits may be used in employee performance evaluations.

FORMS:

- 1003.01 FRM MPD Service Audit Form

1003.2 ANNUAL REPORT

An annual report on Service Audits shall be prepared annually as directed by the Chief of Police.

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Special Assignments and Promotions

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Medford Police Department.

1004.1.1 SWORN SUPERVISORY ASSIGNMENTS

Detective Sergeant-36 month assignment with the possibility of a 36 month extension

Supervise, lead and manage line personnel,specifically the Criminal Investigations Section.

Minimum Requirements:

Three years of sworn police experience,

Sworn Medford Police Department Sergeant.

Internal Affairs Sergeant-24 month assignment with option of requesting a 1 year extension

Supervise, lead and manage line personnel, Investigate complaints made against employees. Conduct background investigations. Assist with recruiting new employees.

Minimum Requirement:

Sworn Medford Police Department Sergeant.

Marijuana Enforcement Team Sergeant-36 month assignment with the possibility of a 36 month extension. This position is dependent upon grant funding. This position is subject to re-assignment if grant funding is terminated.

Supervise, lead and manage line personnel, specifically the inter agency Marijuana Enforcement Team attached to MADGE.

Minimum Requirements:

Sworn Medford Police Department Sergeant.

Overall personnel evaluation of standard or above for past two years.

Medford Area Drug and Gang Enforcement Team (MADGE) Sergeant-36 month assignment with the possibility of a 36 month extension

Supervise, lead and manage line personnel, specifically the inter agency Medford Area Drug and Gang Enforcement Team.

Minimum Requirements:

Sworn Medford Police Department Sergeant.

Overall personnel evaluation of standard or above for past two years.

Special Services Sergeant: 60 month (5 year) assignment

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Supervise, lead and manage line personnel, specifically the Traffic Team, Code Enforcement, Community Service Officers and the Livability Team.

Minimum Requirements:

Sworn Medford Police Department Sergeant.

1004.1.2 SWORN NON-SUPERVISORY ASSIGNMENTS
The following positions are considered transfers and are not considered promotions:

Corporal - Indefinite with satisfactory yearly evaluations

Serves as Field Training Officer, & relief supervisor in absence of the Sergeant.

Minimum Requirements:

Non Probationary sworn police officer.

Four years of sworn police experience.

Possess an Intermediate or higher certificate from DPSST.

Special Services Corporal 36 month assignment

Assist in the supervision of Code Enforcement, Traffic Team and Livability Team.

Minimum Requirements:

Must currently be a corporal.

Four years of sworn police experience.

Possess an intermediate or higher certificate from DPSST.

Detective - Indefinitely

Performs specialized investigations of criminal offenses and activity.

Minimum Requirements:

Three years of sworn police experience.

Detective -36 month assignment; will be a mandatory rotation position -

Minimum Requirements:

Three years of sworn police experience.

Forensic Computer Examiner - 5 years (minimum)

Conducts forensic computer examinations related to criminal cases.

Minimum Requirements:

Three years of sworn police experience.

Able to pass a federal background investigation.

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Must be able to obtain the International Association of Computer Investigate Specialists (IACIS) Certified Forensic Computer Examiner (CFCE) certification within two year of appointment. The CFCE certification must be maintained.

Must be able to obtain an appropriate mobile device certification within one year of appointment.

Ability to maintain strict confidentiality.

IMET/Madge Detective-60 month assignment

Plans and organizes specific case investigations leading to the arrest and conviction of law violators.

Assigned to IMET (Illegal Marijuana Enforcement Team). This position could be reassigned to MADGE (Medford Area Drug and Gang Enforcement Team) based upon funding or department needs.

Minimum Requirements:

Three years of sworn police experience.

Motor Officer - Indefinitely

Performs specialized investigations of traffic offenses and vehicular accidents, including vehicular homicides.

Minimum Requirements:

Non Probationary sworn police officer.

Must be able to obtain a motorcycle endorsement and successfully pass an 80 hour motor officer.

High level of self initiated activity during non-committed time.

Traffic Officer (car/motor) - 3 year assignment (additional 3 year assignments may be extended with "standard or above" annual evaluations).

Performs specialized investigations of traffic offenses and vehicular accidents, including vehicular homicides.

Minimum Requirements:

Non Probationary sworn police officer.

High level of self initiated activity during non-committed time.

Overall evaluation rating of "standard" or better for the past two years.

Canine Handler - 5 years (minimum)

Responsible for the full-time direct care, maintenance, livelihood, training and deployment of K-9.

Minimum Requirements:

Non Probationary sworn police officer.

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Must reside in an adequately fenced, single family residence.

Must be in good physical condition and must demonstrate the ability to lift an object weighing at least 75 pounds or more over their head.

Must live within 30 minutes travel time from the Medford city limits.

Must agree to be assigned to the position for a minimum of five years.

Canine Agitator - Indefinitely.

Works with members of the Canine Unit, other members of the department, and members of other law enforcement agencies. Assists with K-9 training scenarios for patrol and narcotics.

Minimum Requirements:

Sworn police officer with Medford PD.

Possess a Basic or higher certificate from DPSST.

Overall performance evaluation rating of standard or better.

Field Training Officer - Indefinitely

Provides one-on-one field training to police officer trainees, and experienced officers returning to patrol from other assignments.

Minimum Requirements:

Non probationary sworn police officer.

Three years of sworn police experience.

Demonstrates ability as a positive role model.

Training Coordinator - 60 month assignment

Coordinates department training activities.

Minimum Requirements:

Three years of sworn police experience.

School Resource Officer - 3 years (Additional 3 year assignments may be extended with "standard or above" annual evaluations)

Assigned to work with the Medford School District. Establish, develop, and maintain a positive rapport with students.

Minimum Requirements:

Non probationary sworn police officer.

Overall evaluation rating of "standard" or better for the past two years.

Department Instructor -Indefinitely

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Assigned to specific training cadres to train officers each their specific specialty.

Minimum Requirements:

Non probationary sworn police officer.

Specific training disciplines may have additional minimum requirements.

Domestic Violence Task Force -24 month assignment. Assignment may be adjusted to accommodate patrol rotation and manpower needs

The officer will work closely with the department DV advocate and will address the problem of domestic violence, sexual assault and stalking within our community.

Minimum Requirements:

Non probationary, sworn police officer,

SWAT Officer - Indefinitely

Member of team responding to high risk situations.

Minimum Requirements:

Non probationary sworn police officer.

Overall performance evaluation rating of standard or better.

Good physical condition.

Proficient with firearms.

Honor Guard - Indefinitely

Member of precision team used for ceremonial events.

Minimum Requirements:

Non probationary sworn police officer.

Overall performance evaluation rating of standard or better

MADGE Officer - 2 year-temporary assignment from patrol

Investigates street-level narcotics and gang activity.

Minimum Requirements:

Non Probationary sworn police officer.

FIS Officer - 2 year-temporary assignment from patrol.

Investigates financial crimes.

Minimum Requirements:

Non Probationary sworn police officer.

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Drug Recognition Expert - Indefinitely-must agree to a 5 year commitment

Conduct drug evaluations for Medford PD and other agencies.

Minimum Requirements:

Must have a minimum of two years law enforcement experience.

Must be off probation.

Must be working in patrol.

Must be SFST, DID (Drugs That Impair Driving), and Intoxilizer certified.

Must obtain and maintain DRE certification.

Hostage Negotiator - Indefinitely

Negotiate with suspects, emotionally disturbed persons, mentally ill persons or other involved persons in highly volatile and dangerous situations.

Minimum Requirements:

Non probationary sworn police officer.

Livability Team Officer-12 month assignment with the ability to add an additional year with the Special Services Supervisor approval.

Responsible for the enforcement of laws to reduce criminal behavior in areas such as parks, downtown and the Bear Creek Greenway.

Minimum Requirements:

Non probationary sworn police officer.

1004.1.3 NON SWORN NON-SUPERVISORY ASSIGNMENT

Records Specialist-Support for Livability/MADGE/IMET - 24 month assignment

Minimum Requirement:

Non probationary records specialist.

1004.2 POLICY

The Medford Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

PROCEDURES:

- 1004.01 PRO Appointing Specialized Positions

1004.3 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

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(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity;
2. Stress tolerance;
3. Sound judgment and decision-making;
4. Personal integrity and ethical conduct;
5. Leadership;
6. Initiative;
7. Adaptability and flexibility; and
8. Ability to conform to organizational goals and objectives in a positive manner.

1004.3.1 DESIRABLE QUALIFICATIONS
The following qualifications apply:

(a) Three years experience at Medford Police Department, another police agency or combination of both;

(b) Successful completion of probationary status;

(c) Has shown an expressed interest in the position applied for;

(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.; and

(e) Complete any training required by the Department of Public Safety Standards and Training or law.

The following may be the minimum desirable knowledge, skills and abilities required to apply for specialty positions at Medford Police Department:

(a) Current performance evaluation rating of "standard" or better.

(b) Good oral communications skills;

(c) Good report writing and written communications skills;

(d) Well-established knowledge base of state statutes, local ordinances, Department policies, and basic skills in the function of their current assignment;

(e) Self-motivated and tenacious in day-to-day activities;

(f) Team player and a positive role model, both on and off duty;

(g) Established leadership skills;

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(h) Ability to establish and maintain effective working relationships with co-workers;

(i) Demonstrated loyal commitment to the goals of the Department; and

(j) Lack of significant internal complaints over the past year.

Applicants for specialty assignments possessing certain disqualifiers shall be screened from the testing process and are ineligible for appointment.

All assignment processes may be subject to the following automatic disqualifiers upon application:

a. Failure to maintain "standard" or better evaluations for the past 2 years;

b. The employee was subjected to a Performance Improvement Plan within the past year;

c. The employee has 3 or more sustained Category 1 Internal Affairs complaints within the past year;

d. The employee has 1 or more sustained Category 2 Internal Affairs complaint within the past year; or

e. The employee was suspended or demoted as the result of a disciplinary action within the past 2 years.

1004.4 SELECTION PROCESS

The following criteria apply to transfer assignments:

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police via chain of command.

(d) Appointment by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

Appointees may be removed from their specialty position prior to the expiration of their term for the following reasons:

(a) Sustained violation of law or policy;

(b) Receipt of a substandard performance evaluation in any one category;

(c) Placed on a Performance Improvement Plan;

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(d) Resignation; or

(e) At the discretion of the Chief of Police.

1004.5 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the Medford Department of Human Resources. Promotions will be determined in accordance with the following procedures:

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate within the past 12 months will submit these recommendations.

(b) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:

1. Written exam,
2. Oral Board,
3. Specific skill testing,
4. Assessment Center, and
5. Interview with the Chief of Police.

The Chief of Police will make the final selection.

1004.6 ELIGIBILITY LISTS

The Chief of Police may establish an eligibility list as the result of any testing process for either assignments or promotions. Such eligibility list shall be announced to the Department soon upon conclusion of the related testing process. Time length of each eligibility list shall be determined by the Chief of Police.

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Anti-Retaliation

1009.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1009.2 POLICY

The Medford Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1009.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1009.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1009.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1009.6 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.

1009.7 WHISTLE-BLOWING

Oregon law protects employees who disclose or threaten to disclose information that the employee reasonably believes is evidence of (ORS 659A.203):

(a) A violation of federal, state, or local law, rule, or regulation.

(b) Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

(c) A person who is receiving public assistance is subject to a felony or misdemeanor warrant.

Employees are encouraged to report such violations or disclosures of information through the chain of command (ORS 659A.221; ORS 654.062).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1009.8 RECORDS RETENTION AND RELEASE

The Professional Standards Sergeant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1009.9 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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Reporting of Arrests, Convictions and Court Orders

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Medford Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1011.2 POLICY

The Medford Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1011.3 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ORS 107.095(5); ORS 166.255; ORS 166.270; ORS 166.527).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1011.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

OAR 259-008-0300 prohibits any person convicted of a felony and certain other crimes from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1011.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or

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foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if they become the subject of a domestic violence restraining order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable DPSST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1011.6 DEPARTMENT OF PUBLIC STANDARDS AND TRAINING (DPSST) NOTIFICATION

An officerwho is arrested or who receives a criminal citation to appear, or its equivalent, shall notify DPSST in writing within five business days of the following (OAR 259-008-0010; OAR 259-008-0011):

(a) The date of the arrest or citation

(b) The location of the arrest or citation

(c) The reason for the arrest or citation

(d) The arresting or citing agency

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Alcohol and Drug Use by Employees

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.1.1 SUBORDINATE INTERVENTION

Supervisors shall take prompt action if an employee has consumed alcohol, drugs, or prescription medication where any of the following behaviors are present:

(a) Impaired speaking ability;

(b) Inability to perform work properly;

(c) Behavior is creating a safety hazard;

(d) Problems with walking or other phyiscal activity impairment; or

(e) Presence of an odor of an alcoholic beverage.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 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).

1012.3.1 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.

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1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 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.

1012.6 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.

1012.7 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.

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(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.

1012.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 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.

1012.8 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).

1012.9 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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Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement (ORS 653.606; ORS 653.611).

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act, or leave related to protections because of domestic violence, harassment, sexual assault or stalking (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

1014.2 POLICY

It is the policy of the Medford Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ORS 653.616; OAR 839-007-0020).

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

1014.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the Department (ORS 653.621; OAR 839-007-0040).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1014.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Director as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

1014.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (ORS 653.626; OAR 839-007-0045).

Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days (ORS 653.626; OAR 839-007-0045).

1014.6 REQUIRED NOTICES

The Personnel Director shall ensure that each employee is provided written notice of the following (ORS 653.631; OAR 839-007-0050):

(a) Accrued and unused sick time available at least quarterly.

(b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 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 Medford Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Medford 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.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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3. Exposure control mandates in 29 CFR 1910.1030 including bloodborne pathogen precautions (OAR 437-002-0360).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Division (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1016.4.2 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).

1016.5 POST EXPOSURE

1016.5.1 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.

1016.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

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1016.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 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).

1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).

(c) Petitioning for a court order to compel source testing for HIV or other communicable diseases as defined by ORS 431A.005, if a good faith effort to obtain voluntary consent is requested from the source person and not obtained (ORS 433.080; ORS 431A.570).

(d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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1016.6 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.

1016.7 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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Smoking and Tobacco Use

1018.1 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 Medford Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Medford Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORS 433.845; ORS 433.850).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Medford Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department facility (ORS 433.845).

1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is posted at each entrance and exit to the department facilities (ORS 433.850; OAR 333-015-0040).

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Medford Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

PROCEDURES:

- 1020.01 PRO Conducting Disciplinary Interviews See attachment: 1020.01 PRO Conducting Disciplinary Interviews.pdf
- 1020.02 PRO Receiving Complaints Against Employees See attachment: 1020.02 PRO Receiving Complaints Against Employees.pdf

FORMS:

- 1020.03 FRM Commendation/Complaint Form See attachment: 1020.03 FRM Complaint Form.pdf

REFERENCES:

- 1020.04 REF Garrity Warning See attachment: 1020.04 REF Garrity Warning.pdf

1020.2 POLICY

The Medford Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state, or local, policy of 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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1020.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

CATEGORY 1: Informal - A matter of a relatively minor nature (i.e. poor demeanor, disrespect, attitude or perceived rudeness) that on review of the allegations will not require extensive interviews or lengthy, complex investigations. A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy. Informal complaints may be handled by the receiving supervisor, forwarded to the employee's immediate supervisor for resolution, or promptly forwarded to the Administrative Sergeant, depending on the complexity of the investigation.

CATEGORY 2: Formal - A matter involving a Department-initiated, confidential, or sensitive investigation; an allegation of serious misconduct (i.e. excessive force, corruption, racial profiling, untruthfulness, commission of a crime, or an alleged or suspected breach of integrity). A matter in which the complaining party requests further investigation or when a department supervisor determines that further action is warranted. Such complaints shall be promptly forwarded to the Administrative Sergeant, who will then notify the Chief of Police. The Chief of Police shall then direct the investigation as appropriate.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters need not be documented as peronnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

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1020.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

1020.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1020.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1020.5.1 COMPLAINTS ALLEGING PROFILING
Complaints related to profiling should be clearly marked to assist in reporting as required in the Racial or Bias-Based Profiling Policy (2015 Oregon Laws c 681 § 2).

1020.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1020.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

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(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

(k) Providing the complainant with periodic updates on the status of the investigation, as appropriate.

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1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees covered by the provisions of ORS 236.350 through ORS 236.360.

(a) Interviews of an accused employee shall be conducted during reasonable (normal waking) hours and preferably when the employee is on-duty, unless the seriousness of the investigation requires otherwise. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Medford Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) The interviewers shall inform the employee of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.

(e) Prior to any interview, an employee should be informed of the nature of the investigation and of facts reasonably sufficient to inform the employee of the circumstances surrounding the allegations under investigation.

(f) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(g) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(h) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(i) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the employee prior to any subsequent interview.

(j) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual’s statement, involved employees shall not consult

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or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) In a disciplinary or administrative investigation, the employee's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the employee to the representative for purposes of the representation.

(l) As soon as it is determined that the employee may be charged with a criminal offense, the employee shall be informed of the employee's right to consult with criminal defense counsel with respect to the criminal charge.

(m) All employees shall provide complete and truthful responses to questions posed during interviews.

(n) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1020.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

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Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.5 COMPLETION OF INVESTIGATIONS

The Administration Support Supervisor shall ensure that investigations are completed and peace officers are provided notification of intended discipline no later than six months from the date of the first interview. The Chief of Police or Administration Support Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the Department gives written notice explaining the reason for the extension to the peace officer and the peace officer's chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

(a) The investigation involves a peace officer who is incapacitated or unavailable.

(b) The investigation involves an allegation of workers' compensation or disability fraud by the peace officer.

(c) The peace officer, in writing, waives the limit.

(d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.

(e) The investigation involves more than one peace officer and requires a reasonable extension of time.

(f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.

(g) The investigation involves a matter in civil litigation in which the peace officer is a named defendant or the peace officer's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.

(h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

1020.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

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Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1020.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

1020.10 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1020.11 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1020.12 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

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A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Medford Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1020.13 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1020.13.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Bureau Commander, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Bureau Commander, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.13.2 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Bureau Commander shall review the recommendation and all accompanying materials. The Bureau Commander or designee may modify any recommendation and/or may return the file to the Divison Commander for further investigation or action.

Once the Bureau Commander is satisfied that no further investigation or action is required by staff, the Bureau Commander shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Bureau Commander shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Bureau Commander in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Bureau Commander or designee within five days of receiving the notice.

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1. Upon a showing of good cause by the member, the Bureau Commander or designee may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Bureau Commander or designee shall consider all information received in regard to the recommended discipline. The Bureau Commander or designee shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Bureau Commander or designee has issued a written decision, the discipline shall become effective.

1020.13.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (ORS 181A.830).

If the complaint is related to profiling, the complainant shall be notified in writing with a statement of the final disposition within a reasonable time after the conclusion of the investigation (ORS 131.920).

1020.13.4 NOTICE REQUIREMENTS

If an investigation of an officer of this department results from a complaint, the Department may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation (ORS 181A.830).

1020.14 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Bureau Commander or designee after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Bureau Commander or designee to consider.

(d) In the event that the Bureau Commander or designee elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

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(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Bureau Commander or designee on the limited issues of information raised in any subsequent materials.

1020.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1020.16 ANNUAL REVIEW OF PERSONNEL COMPLAINTS

During February of each year, the Bureau Commander of his/her designee shall provide to the Chief of Police an annual report of personnel complaints from the preceding year.The report will focus on complaint trends as well as training needs and needed policy changes. A copy of the report shall be maintained with each year's completed complaint file. Specific details, including items such as officer names, case numbers and location of occurrence, is not needed for this purpose and therefore will not be part of this process.

1020.17 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve an officer will be investigated as outlined in this policy. The Chief of Police or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

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Seat Belts

1021.1 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.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1021.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (ORS 811.210).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1021.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of safety belts (ORS 811.215(6)).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1021.4 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1021.5 POLICY

It is the policy of the Medford Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1021.6 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORS 811.210).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1021.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1021.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers, community service officers, and code enforcement officers with guidelines for the proper use of body armor.

1023.1.1 POLICY

It is the policy of the Medford 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.

1023.2 POLICY

It is the policy of the Medford 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.

1023.2.1 SWORN PERSONNEL IN CIVILIAN ATTIRE

All on-duty officers wearing civilian attire shall wear soft body armor:

(a) While in the immediate vicinity of a high-risk situation;

(b) While participating in the service of a search or arrest warrant; or

(c) At the direction of a supervisor.

Officers may be excused from wearing soft body armor if they are wearing a conspicuously-marked ballistic raid vest while serving a search warrant or participating in a high-risk situation where highly visible identification is necessary.

1023.3 ISSUANCE OF BODY ARMOR

The division in charge of uniforms and duty gear (Property Control) shall ensure that body armor is issued to all officers (police, community service, and code enforcement) when the officer begins service at the Medford Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The division in charge of uniforms and duty gear (Property Control) 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.

1023.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers (police, community service, and code enforcement) shall only wear agency-approved body armor.

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(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Body armor shall be worn at all times when code enforcement officers and community service officers are working in uniform.

1023.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Periodic inspections of body armor should be conducted by a supervisor or other authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1023.3.3 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.

1023.4 RANGE MASTER RESPONSIBILITIES

The Range Master should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department-approved body armor.

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(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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Personnel Records

1025.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1025.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

1025.3 PERSONNEL FILE

The personnel file shall be maintained as a record of a person’s employment/appointment with this department. The personnel file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the personnel file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (ORS 652.750).
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment (ORS 652.750). Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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1025.4 DIVISION COMMANDER FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the officer prior to being placed in the file in accordance with ORS 652.750.

1025.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator 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 Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1025.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit 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 department file but will be maintained in the internal affairs file:

- Not sustained
- Unfounded
- Exonerated

1025.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

(f) Drug testing records.

Medical records relating to hazard exposure shall be retained for 30 years after separation and in accordance with the department established records retention schedule (29 CFR 1910.1020(d)).

1025.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure as provided in this policy, according to applicable discovery procedures, state law or with the member's written consent.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1025.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (ORS 181A.830).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1025.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records of an officer who was employed at any time by the Department shall be released to a requesting law enforcement agency for the purposes of preemployment review (2020 Oregon Laws, c.7, § 4).

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) Disclosure is required by 2020 Oregon Laws, c.7, § 4.

(e) 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).

1025.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

A member or former member may request to review his/her personnel file. The request should be made to the Administration Support Supervisor. The Administration Support Supervisor should ensure that the member is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If an employee believes that any portion of the material is mistakenly or unlawfully placed in the employee's personnel record, the employee 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 employee's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments,

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management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1025.10 RETENTION AND PURGING

Unless otherwise noted, personnel records shall be retained for a minimum of 10 years after separation and in accordance with the established records retention schedule (2020 Oregon Laws, c.7, § 4).

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Commendations and Awards

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Medford Police Department and individuals from the community.

FORMS:

- 1030.01 FRM Award Nomination

1030.2 POLICY

It is the policy of the Medford Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1030.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1030.4 AWARDS COMMITTEE

The Medford Police Department recognizes its employees and members of the community for outstanding achievement as well as outstanding performance beyond daily assigned duties. Award recipients may be nominated from any source and are documented on the Achievement Recognition Award Nomination (1030.01 FRM) and submitted to the Awards Committee.

The Medford Police Department establishes the Awards Committee to evaluate nominated Department and community members for formal recognition at the annual Department Awards Banquet. The Committee meets at least once during each calendar year to determine award recognition for events that occurred in the prior calendar year. Award decisions shall be determined by majority vote. A minimum of five votes in favor or against will constitute a majority vote. All discussions and decisions of the Committee shall be confidential.

Bureau Commanders appoint members of the Awards Committee, which is represented by the following job assignments:

- (4) Patrol officers;
- (1) Detective;
- (1) Sergeant;
- (1) Civilian police employee;
- (1) Lieutenant; and
- The Operations Bureau Commander.

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The Operations Bureau Commander serves as a voting member and liaison to the Chief of Police.

Length of assignment to the board is indefinite and may only be changed by a Bureau Commander or resignation.

The Committee Chairman shall notify award recipients in person or by phone prior to any public announcement.

1030.4.1 AWARDS
The following awards may be presented to sworn personnel:

- The George Prescott Medal of Valor;
- Meritorious Class A Award;
- Purple Heart;
- Meritious Lifesaving Award;
- Department Commendation Award;
- Outstanding Achievement Award; and
- Shooting Awards.

The following awards may be presented to Department civilian personnel and community members:

- Meritorious Lifesaving Award (civilian employee);
- Department Commendation Award (civilian employee);
- Outstanding Achievement Award (civilian employee);
- Purple Heart (civilian employee);
- Citizen's Lifesaving Award;
- Citizen's Outstanding Achievement Award; and
- Citizen's Certificate of Commendation and Recognition.

Award recipients shall receive: (1) an official citation; and (2) A commendation bar to be worn with the Class A or Class B uniform.

1030.4.2 AWARDS CRITERIA
Awards criteria are defined as follows:

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(a) **George Prescott Medal of Valor --**

1. To any officer who performs an extraordinary act of heroism extending above and beyond the normal demands of police service;
2. To an officer who performs police service at great risk to the officer's life or safety in an effort to preserve human life. The incident can occur either on-duty or off-duty.
3. Posthumously to the family of any officer killed in the line-of-duty or killed off-duty while taking action in an official police capacity.

(b) **Meritorious Class A Award --**

1. To any officer who distinguishes themselves by gallantry, courage or fortitude above and beyond the normal call of duty and expectations. The act, or series of acts, must have been one of personal bravery or self-sacrifice resulting in the preservation of human life in imminent danger.

(c) **Purple Heart --**

1. To any employee who while on duty or in the act of performing a law enforcement function off-duty has been killed, wounded or injured as a direct result of an act by another person resulting in the need for immediate medical care or hospitalization. The award will not be issued to employees who are injured due to their own negligence.

(d) **Meritorious Lifesaving Award --**

1. To any officer or civilian employee, on or off-duty, whose direct action saved the life of another person or by rescue saved the person from imminent death.

(e) **Department Commendation Award --**

1. To any officer or civilian employee who while on or off-duty distinguishes themselves by service above and beyond the call of duty. The act, or series of acts, may be performed over a lengthy period of time or during a single event and must have been one of personal bravery, self-sacrifice or dedication so conspicuous as to clearly distinguish the individual above their comrades.

(f) **Outstanding Achievement Award --**

1. To any officer or civilian employee who performs a task requiring great effort and diligence beyond the normal demands of the assigned job. These actions may be performed over a lengthy period of time or during a single event. The actions of the individual must have a significant impact on the job in which they perform or to the community as a whole.

(g) **Shooting Awards --**

1. Master Proficiency Pin
   (a) Shooting awards shall be issued based upon scores recorded during the recorded run of the most recent two Top Gun/Marksmanship Courses.

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(b) A Master Proficiency Pin shall be issued to the officers with scores of 96% or higher for two consecutive Top Gun/Marksmanship Courses.

(c) A total of two consecutive Top Gun/Marksmanship qualifying scores below the award level will result in the loss of the Master Proficiency Pin.

2. Top Gun Award

(a) The Top Gun Award will be issued to the officer who has the highest combined Top Gun and Combat Course finishes during the year.

(b) The top three finishers will be invited to the Awards Banquet where the winner will be announced and presented with a Top Gun Certificate, a hat and a pin.

(h) **Citizen's Lifesaving Award --**

1. To any community member whose direct action saved the life of another person or by rescue saved the person from imminent death.

(i) **Citizen's Outstanding Achievement Award --**

1. To any community member who performs a task requiring great effort and diligence beyond the normal demands of the assigned job. These actions may be performed over a lengthy period of time or during a single event. The actions of the individual must have a significant impact on the job in which they perform or to the community as a whole.

(j) **Citizen's Certificate of Commendation and Recognition --**

1. To any community member who performs any action that has a significant impact in aiding the Medford Police Department and/or the public safety community as a whole.

1030.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1030.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act

2. For individuals from the community - name, address, telephone number

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(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1030.5.2 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:

1. For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act

2. 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 signature of the person submitting the documentation.

1030.5.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Bureau Commander for his/her review. The Bureau Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration Support secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Support Bureau Commander. The documentation will be signed by the Bureau Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

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Fitness for Duty

1032.1 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.

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the duties of their job function.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

(e) A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so. The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.

(f) All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

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(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Bureau 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.

1032.4 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.

1032.5 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 Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.5.1 CRITICAL INCIDENT STRESS DEBRIEFING

Any employee involved in or witnessing a traumatic incident may be directed by a supervisor to be seen by a mental health professional:

(a) As soon as possible after the incident; and

(b) For a follow up visit within 6 months of the incident.

Such visits to a mental health professional shall be for the benefit and well-being of the employee. Return to duty status shall not be contingent upon such visits, unless so directed by the Chief of Police.

All involved personnel should attend the debriefing, conducted 24 to 72 hours following the incident.

Any additional follow-up for individual Department members following the initial debriefing shall be treated as strictly confidential information.

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1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with 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 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.

(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.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

1032.9 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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Meal Periods and Breaks

1033.1 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.

This policy shall not conflict with the Collective Bargaining Agreement with the Medford Police Association -- Sections 7.6 (Rest Periods) and 7.7 (Meal Periods).

1033.1.1 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 request clearance from ECSO prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1033.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. 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 in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of ECSO.

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Lactation Break Policy

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1034.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

1034.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; OAR 839-020-0051). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify ECSO 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.

1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to provide lactating members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other members should avoid interrupting a lactating member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1034.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Overtime Compensation Requests

1036.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1036.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the established limit for compensatory time. Overtime worked beyond the compensatory time cap will be paid monetarily.

This policy shall not conflict with the Collective Bargaining Agreement.

1036.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Support Bureau. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1036.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime slips for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1036.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

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After the entry has been made on the employee's time slip, the overtime payment request form is forwarded to the employee's Division Commander and then to the Bureau Commander for final approval.

1036.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining agreement provides that a minimum number of hours will be paid. The supervisor will enter the actual time to be paid.

1036.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

1036.3.2 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 back of the overtime payment request.

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Outside Employment

1040.1 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.

This policy shall not conflict with the Collective Bargaining Agreement, Section 16.7 (Other Employment).

FORMS:

- 1040.01 FRM Outside Employment Application

1040.1.1 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.

1040.1.2 PERMISSIBLE OUTSIDE EMPLOYMENT

Upon receipt of written permission, an employee may:

(a) Teach law enforcement subjects;

(b) Engage in outside employment designed to improve the police image;

(c) Engage in outside employment that contributes to health, fitness, career development, and the improvement of the law enforcement profession;

(d) Engage in the sale of products of their own creativity that does not require licensing; and

(e) Other employment as approved under terms of this policy.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of his / her Bureau Commander. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Bureau Commander for consideration.

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If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. All approved outside employment expires at the end of each calendar year. Employees seeking to renew an approved outside employment application must submit a new completed application to his / her supervisor by January 31 of the subsequent year. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1040.2.1 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 grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at regular duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has returned to regular duty status.

1040.3 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, except as approved and brokered by Medford Police Department through contractual agreement.

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(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department less efficient.

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

No member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department as extra-duty employment and shall be worked as on-duty status. Compensation for such extra-duty employment shall be pursuant to normal overtime procedures.

No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Bureau Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

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1040.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest.

1040.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police via chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Medford Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1040.7 OUTSIDE EMPLOYMENT LIABILITY

By accepting outside employment, the employee agrees to the following terms and conditions:

(a) Employees agree that they will not file a claim, or in any way bring any civil liability against the Department or the City of Medford as a result of any injuries or property damage incurred while employed by the outside employer.

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(b) If the employee or anyone else files a claim, employees agree to defend, hold harmless and fully indemnify the Medford Police Department for any costs, losses, claims, reasonable attorney fees, and / or expenditures incurred by the Department or the City of Medford.

(c) Employees will arrange with the outside employer for the protection of liability insurance, worker's compensation insurance (or to establish an exemption from the worker's compensation provisions). Proof of such coverage shall be provided to the Department prior to any work performed in any outside employment.

(d) The Department shall not be responsible for any worker's compensation expenses or any costs incurred from injuries sustained while working in any outside employment.

(e) The Department shall not be responsible for any third party liability incurred or created while an employee is working in any outside employment.

1040.8 LIMITATIONS TO OUTSIDE EMPLOYMENT

Including any Department on-duty time, outside employment shall not exceed 16 hours per day, unless pre-approved by a supervisor.

An employee working an 8-hour shift may work 8 hours of outside employment. An employee working a 12-hour shift may work 4 hours of outside employment. Total work hours exceeding the 16 hour limit shall be pre-approved by a supervisor.

Work hours for all outside employment shall not conflict with the employee's duty schedule at Medford Police Department.

Permission for outside employment may be revoked by a Bureau Commander where it is determined that such outside employment is not in the best interest of the Medford Police Department, or creates a conflict of interest.

Employees must be in good standing with the Medford Police Department to be eligible to apply for or continue outside employment. Employees must maintain a "standard or better" performance evaluation rating, overall. Employees working under Performance Improvement Plans are not eligible for application or continued work in any outside or extra-duty employment until all terms of the Performance Improvement Plan have been fulfilled and the plan has been removed.

Employees that fail to perform adequately while on-duty, or who receive disciplinary action related to the outside employment may have permission revoked by a Bureau Commander.

Emergency call-out takes priority over outside employment. Employees shall be subject to call-out in emergency situations and may be expected to leave their outside employment to respond to duty at Medford Police Department.

In case of conflicts, the Collective Bargaining Agreement shall prevail. Employees who wish to dispute denials of outside employment employment may file a grievance.

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1040.8.1 SOLICITING OUTSIDE EMPLOYMENT

No employee shall solicit any person, business, or other entity for outside employment while on-duty or while acting in the capacity on behalf of this Department

Inquiries from citizens seeking services from this Department in an outside-duty capacity shall be referred to that employee's Division Commander. No Department employee shall act as an independent contractor to solicit any outside-duty employment.

1040.8.2 MILITARY OBLIGATIONS

Medford Police Department has no influence or authority over military obligations, which is determined by federal law. Military obligations for employees that are members of any branch of the Unites States military or any unit of the Oregon National Guard, whether active, inactive or reserve status shall take precedence over the City of Medford.

1040.8.3 OUTSIDE SELF-EMPLOYMENT

Outside self-employment shall also be approved as any other outside employment. Self-employment is that which an employee does on his own premises. Self-employment is acceptable as long as it meets the described requirements for outside employment and does not interfere with the employee's on-duty work schedule at Medford Police Department.

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EXTRA-DUTY EMPLOYMENT

1041.1 PURPOSE AND SCOPE

Employees may engage in extra-duty employment where an outside entity has a contractual agreement with the Medford Police Department and upon verbal approval of his/her immediate supervisor. All extra-duty positions shall be considered on-duty status, whether in uniform or plainclothes assignments.

FORMS:

- 1041.01 FRM Overtime / Extra-Duty Sign-Up

1041.1.1 DEFINITIONS

Extra-Duty Employment

- Any organization outside of the Medford Police Department that has entered into a contractual agreement with the City of Medford for officers who are in uniformm or plain-clothes that are able to exercise official police duties. Such organization may be a government entity, profit-making or not-for-profit organization. Such employment is brokered through the Department and all participating personnel work in an on-duty status.

1041.2 EXTRA DUTY CONTRACTS

Extra-duty contracts may only be entered into where such service is in the best interest of public safety as a whole. Any request from a potential outside employer for extra-duty service that is determined to confer a special advantage to a private interest at the expense of the public interest will be denied. Permissible extra-duty services include, but are not limited to:

Traffic control and pedestrian safety;

Crowd control;

Security and protection of life and property;

Dignitary and VIP protection;

Routine law enforcement for public authorities; and

Plain-clothes assignments.

Officers working extra-duty employment in the Medford Police Department uniform shall answer all requests for service as any regular on-duty assignment, unless directed otherwise by a Department supervisor.

Division Commanders shall administer respective extra-duty details under their immediate supervision. Extra-duty sign-ups are available on a first-come, first-serve basis, unless specified otherwise. Significant aspects, duties and responsibilities unique to the extra-duty detail shall be specified on the sign-up list. Sign-up lists are posted in either the Watch Commander's Office or the Officer's Report Writing Room.

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Employees who sign-up for, or are assigned to extra-duty employment shall be obligated to that assignment. If he/she is unable to fulfill that obligation, the employee is responsible for making arrangements for replacement.

1041.3 LIMITATIONS TO EXTRA-DUTY EMPLOYMENT

Including any Department on-duty time, outside and extra-duty employment shall not exceed 16 hours per day, unless pre-approved by a supervisor.

An employee working an 8-hour shift may work 8 hours of extra-duty employment. An employee working a 12-hour shift may work 4 hours of extra-duty employment. Total work hours exceeding the 16 hour limit shall be pre-approved by a supervisor.

Work hours for all extra-duty employment shall not conflict with the employee's duty schedule at Medford Police Department.

Permission for extra-duty employment may be revoked by a Bureau Commander where it is determined that such extra-duty employment is not in the best interest of the Medford Police Department, or creates a conflict of interest.

Employees must be in good standing with the Medford Police Department to be eligible to apply for or continue extra-duty employment. Employees must maintain a "standard" or better overall performance evaluation rating. Employees working under Performance Improvement Plans are not eligible for application or continued work in any extra-duty employment until all terms of the Performance Improvement Plan have been fulfilled and the plan has been removed.

Employees who fail to perform adequately while on-duty, or who receive disciplinary action related to the extra-duty employment may have permission revoked by a Bureau Commander.

Emergency call-out takes priority over outside employment. Employees shall be subject to call-out in emergency situation and may be expected to leave their outside employment to respond to duty at Medford Police Department.

In case of conflicts, the Collective Bargaining Agreement Shall prevail. Employees who wish to dispute denials of extra-duty employment may file a grievance.

1041.4 SOLICITING EXTRA-DUTY EMPLOYMENT

No employee shall solicit any person, business, or other entity for extra-duty employment while on-duty or while acting in the capacity on behalf of this Department.

Inquiries from citizens seeking services from this Department in an extra-duty capacity shall be referred to that employee's Division Commander. No Department employee shall act as an independent contractor to solicit any extra-duty employment.

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Occupational Disease and Work-Related Injury Reporting

1042.1 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.

PROCEDURES:

- 1042.01 PRO Processing Injured Employees See attachment: 1042.01 PRO Processing Injured Employees.pdf
- 1042.02 PRO Exposure to Infectious Diseases See attachment: 1042.02 PRO Exposure to Infectious Diseases.pdf

1042.1.1 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 Medford Police Department (ORS 656.005(7); ORS 656.802).

1042.2 POLICY

The Medford 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.).

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate. The member may choose a medical service provider, attending physician or authorized nurse practitioner for medical care (OAR 436-060-0010).

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. The supervisor shall provide every injured member with a Report of Job Injury or Illness form (Form 801) immediately upon the request of the member or his/her attorney, or upon receiving notice or knowledge of an accident that may involve a compensable injury (ORS 656.265; OAR 436-060-0010).

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Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 BUREAU COMMANDER RESPONSIBILITIES
The Bureau Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administration Support Bureau Commander to ensure any required Oregon Occupational Safety and Health Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the department's insurer no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010).

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 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 Bureau Commander through the chain of command and a copy sent to the Administration Support Bureau Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1042.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for

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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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Personal Appearance Standards

1043.1 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.

1043.2 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.

1043.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be pulled back and not extend below the top edge of the uniform collar while assuming a normal stance. Hairstyles shall be conservative. Extreme hairdos shall be prohibited. Hairclips shall be conservative and inconspicuous.

1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend more than one quarter inch below the corners of the mouth or beyond the natural hairline of the upper lip. Mustaches shall not be waxed.

1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the bottom of the earlobes) and shall be trimmed and neat.

1043.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1043.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1043.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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Uniformed personnel may wear conservative, small, plain-stud or clip-type earrings and/or one small conservative nasal stud. Any loop, ring or any type of dangling earrings or nasal jewelry shall be prohibited.

Uniformed personnel may wear up to 3 conservative-styled rings, total of both hands. Uniformed officers shall not wear bracelets, or large, conspicuous rings. A Medic-Alert bracelet or similar for medical reasons is an exception.

All pins, tie tacks, insignias, buttons or other miscellaneous items not issued by the Department shall be prohibited. Belt buckles shall be of a conservative plain design, and shall not contain any words, letters, numbers, ornamental motifs or unusual patterns.

1043.3 TATTOOS

No Medford Police Department employee having direct contact with the public shall visibly display any tattoos while on-duty or while representing the Department in any official capacity.

No Medford Police Department employee shall obtain or have any tattoo(s) which could be interpreted as racist or gang related in nature.

Employees shall not obtain any tattoos that cannot be covered up while wearing the authorized uniform, including:

- Tattoos on the head, face or neck area above the clavicle: or
- Tattoos on the hands below the wrist bone.

All visible tattoos shall be covered by an approved long-sleeved uniform shirt or by wearing a department approved black or skin-colored tattoo cover-up sleeve/skin patch.

The Chief of Police may grant any exception in writing regarding display of tattoos. Officers in undercover assignments may be excused from this policy by a supervisor.

1043.4 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) Dental art or gemstones.

(c) The complete or transdermal implantation of any material other than hair replacement.

(d) Abnormal shaping of the ears, eyes, nose or teeth.

(e) Branding or scarification.

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(f) Jewelry worn associated with body piercing, unless specifically authorized in this manual.

(g) Contact lenses of an unnatural color or graphic design.

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Uniform Regulations

1044.1 PURPOSE AND SCOPE

The uniform policy of the Medford Police Department is established to ensure that uniformed employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

- Section 700 - Department Owned and Personal Property
- Section 1024 - Body Armor
- Section 1043 - Personal Appearance Standards

The Medford Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

PROCEDURES:

- 1044.01 PRO Issuing Uniforms and Equipment to Officers

1044.1.1 TAXABLE FRINGE BENEFITS

Employees may be taxed for fringe benefits upon issuance of certain items of non-essential clothing and other items as determined by the Finance Department.

"Taxable Fringe Benefit"

Definition: A form of pay for the performance of services (includes property, services, cash or cash equivalent). This applies to services of employees and independent contractors provided by an employer to an employee. (IRC § 61 (a)(1) Pub. 15-B.

Clothing items not specifically required as a condition of employment and are potentially adaptable to general usage as ordinary clothing may be defined as taxable fringe benefits. (IRC § 162-2 (c)(1)).

Non-safety equipment items may be determined to be a taxable fringe benefit by the City Finance Department, based on interpretation of rules set by the Internal Revenue Service.

In such cases, the total cost of the item is added to the employee's gross earnings as a separate entry itemized on the employee's pay check stub. The employee is then taxed at the higher total gross income for purposes of withholding taxes.

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All taxable fringe benefits are reported in box 1 of IRS Form W-2 as wages, tips and other compensation, and boxes 3 & 5 as Social Security and Medicare wages. If the employee has exceeded the Social Security limit, the amount will not appear in box 3.

1044.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform except when the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(i) Mirrored sunglasses will not be worn with any Department uniform

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Chief of Police or his designee.

1. Wrist watch.
2. Female personnel may wear conservative, small plain-stud or clip-type earrings. Any loop, ring or any type of dangling earrings shall be prohibited.
3. A maximum of three conservative-styled rings may be worn, total of both hands.
4. Medical alert bracelet.

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1044.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their supervisor.

1044.3 UNIFORM CLASSES

1044.3.1 CLASS A UNIFORM
The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt, regulation name plate, with tie

(b) Polished shoes

Boots with pointed toes are not permitted.

1044.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required

(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform

(c) All shirt buttons must remain buttoned except for the last button at the neck

(d) Shoes for the Class B uniform may be as described in the Class A uniform

(e) Approved all black unpolished shoes may be worn

(f) Boots with pointed toes are not permitted

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1044.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1044.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by employees in specialized positions such as Canine Team, SWAT, Bicycle Patrol, Motor Officers, Civilian Staff, and other specialized assignments.

1044.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1044.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, K-9, Traffic, SRO) may be worn as designated by the Chief of Police.

(f) Flag Pin / Veteran's Pin - A flag / veteran's pin may be worn, centered approximately 1/8" above the nameplate.

(g) Shooting Awards - Shooting awards, to include the Top Gun award, will be worn centered and 1/8" below the top right breast pocket. If wearing the Top Gun award and a shooting award, the shooting award will be worn centered and 1/8" below the Top Gun award.

(h) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

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(i) 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.

1044.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1044.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

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(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Medford Police Department or the morale of the employees.

1044.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Medford Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Medford Police Department to do any of the following:

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1044.6.1 PURCHASES WHILE IN UNIFORM

Employees shall not purchase any alcoholic beverages or lottery tickets while on-duty, or while wearing any uniform of the Medford Police Department.

1044.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items not issued by the Department are optional and shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department-Owned and Personal Property Policy).

1044.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Medford Police Department employees should request authorization from his/her immediate supervisor to carry or wear any uniform item accessory or attachment not issued by the department.

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Uniform Regulations

Medford Police Department employees should request authorization from his/her immediate supervisor to use or carry any safety item, tool or other piece of equipment not specifically issued by the department.

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Community Service Officers

1047.1 PURPOSE AND SCOPE

Medford Police Department employs Community Service Officers (CSO's) both full-time and part-time to perform a wide variety of support service tasks related to the Department mission.

CSO's are given limited enforcement powers to issue citations for violations of the Medford Municipal Code.

CSO's are not police officers and do not make full custody arrests.

PROCEDURES:

- 1047.01 PRO Enforcing Non-Emergency Ordinance Violations

1047.1.1 WEAPONS FOR COMMUNITY SERVICE OFFICERS

CSO's are issued OC spray, which shall be used for defensive purposes, only.

CSO's shall successfully complete certified Department training for use-of-force and defensive tactics prior to carrying OC spray. CSO's shall attend recertification training annually as any Police Officer.

Upon using OC spray on any person in an on-duty situation other than in training, a Police Officer shall be promptly summoned to investigate and assist.

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Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, purchasing and contracting, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or could be influenced by the employee's personal or business relationship (ORS 244.020).

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship €" Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - Any person who is serving the State of Oregon, any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services (ORS 244.020).

Relative - The spouse of the member, any children of the member or of the member's spouse, and brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, stepparents, stepchildren or parents of the member or of the member's spouse, or any individual for which the member has a legal support obligation (ORS 244.020).

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

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1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative, who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.179).

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.177).

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

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Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, individual who resides with the member or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 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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Employee Involved Domestic Violence

1051.1 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.

1051.1.1 POLICY

The Medford 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.

An outside police agency may be called in at the discretion of the Chief of Police pursuant to the Jackson County Cooperative Policing Plan to investigate an incident of domestic violence involving a Department employee.

1051.1.2 DEFINITIONS

Domestic Violence, Abuse and Family Members - are as defined in the Domestic Violence Policy in this manual.

Employee - means any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

Law Enforcement Agency - means any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

Restraining Order - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

1051.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC § 921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.270).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 107.718).

1051.2.1 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

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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.

1051.3 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 ECSO 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.

1051.3.1 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an Medford Police Department employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved individual’s agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed (see the Domestic Violence Policy).

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

(b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Medford Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

1051.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a sworn employee of the Medford 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.

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(d) The transporting officer shall ensure that corrections personnel are notified of the person's employee status to ensure the safety of the employee while he/she is in custody.

(e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

1051.3.3 FIREARMS RESTRICTIONS

Any officer who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the officer from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order. Officers will immediately ensure that all firearms are removed from their residences, department lockers and all other locations where they would have actual or constructive possession of such items.

Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

1051.4 EMPLOYEE RESPONSIBILITY

(a) Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.

(b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.

(c) If an employee becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.

(d) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.

(e) No employee shall solicit or be afforded any privileges or special considerations.

(f) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.

(g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.

(h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.

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1051.5 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.
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.

1051.6 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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Department Badges

1053.1 PURPOSE AND SCOPE

The Medford Police Department badge and uniform patch as well as the likeness of these items and the name of the Medford Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1053.2 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.

1053.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Medford 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, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1053.2.2 UNIFORM BADGE

A non-probationary officer, who leaves the department in good standing, may purchase their assigned duty badge at full replacement cost. 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.

Upon honorable retirement his/her assigned duty badge and duty firearm may be purchased by the Medford Police Association to be presented to the employee 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.

1053.3 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

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(a) Civilian personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1053.4 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1053.5 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 Medford Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Department Identification

1054.1 PURPOSE AND SCOPE

This policy sets forth issuance and use of Department identification cards.

1054.1.1 POLICY

Department members shall carry their issued Department identification cards:

(a) At all times while on-duty;

(b) At all times while in any Medford Police Department facility or premises; or

(c) At all times while carrying an issued-duty or off-duty firearm.

Officers working special assignments may be excused from carrying their identification on their person by a supervisor.

Department members shall not loan their Department identification card to any other person.

Department members shall use Department identification for official business, only. Members shall not use Department identification for any special favor or personal gain.

Members not in uniform shall conspicuously display their Department identification on their upper outer garments at all times while in police facilities, if they are not wearing a badge or a department issue polo shirt that bears the department name and their name and rank on it.

1054.1.2 IDENTIFICATION UPON DEMAND

Members shall promptly present their Department identification upon request to any citizen or other employee. An exception to this would be in the case an officer is working an undercover assignment and refusal or failure to display is justifiable.

1054.1.3 SURRENDER OF IDENTIFICAITON

Members shall immediately surrender their Department identification upon:

(a) Issuance of a new identification card;

(b) Any change of rank or assignment;

(c) Temporary suspension by a supervisor; or

(d) Termination of employment.

1054.2 RETIRED POLICE OFFICER'S IDENTIFICATION CARDS

Police Officers of all ranks who retire in good standing from Medford Police Department may be issued a retired identification card at the discretion of the Chief of Police.

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Department Identification

Retired Police Officers identification cards grant no special rights or privileges. Medford Police Department and the City of Medford assume no liability for action taken by retired Police Officers following separation from employment.

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Temporary Modified-Duty Assignments

1055.1 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.

1055.2 POLICY

Subject to operational considerations, the Medford 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.

1055.3 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 Medford Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1055.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander 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 20 hours or less per week may be approved and facilitated by the Watch Commander or Bureau Commander, with notice to the Chief of Police.

1055.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

1055.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1055.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Bureau 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.

1055.6 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.

1055.7 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.

1055.7.1 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.

1055.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1055.9 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

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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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Early Warning System

1056.1 PURPOSE AND SCOPE

Medford Police Department utilizes an Early Warning / Intervention System to identify and assist employees who demonstrate symptoms of job stress and / or negative behavior patterns for the mutual benefit of both the employee and the Department.

1056.1.1 EARLY WARNING SYSTEM MATRIX FACTORS

Medford Police Department identifies and collects matrix data on the following behaviors as indicators of job stress and / or performance problems for all Department members:

(a) Preventable vehicle collisions;

(b) Incidents involving use-of-force;

(c) Complaints, both sustained and non-sustained;

(d) Officer-involved shooting;

(e) Vehicle pursuits;

(f) Documented counseling; and

(g) Written or verbal reprimands.

A review of an employee may be triggered by a combination and frequency of the above matrix factors. Factors are pre-determined by the Chief of Police.

Department members shall be evaluated based on behaviors that led to the review, and not the review, itself nor compliance with any action plan or other intervention.

1056.1.2 PROCEDURE

1. The Adminstrative Sergeant administers and maintains the Early Warning System.

2. The Administrative Sergeant identifies and collects matrix data.

3. A reviw of an employee shall be triggered by the following:

a) A combined total of 3 or more sustained and/or not-sustained complaints during the previous 12 month period;

b) A combination of 5 or more occurrenecs from any of the above during the previous 6 month period; or

c) An officer directly involved in a single use of deadly force incident.

4. The Administrative Sergeant produces a quarterly report on collected data, identifies those employees subject to review and sends the report to the appropriate Division Commander or Manager who supervises the employees in question. Each employee shall be issued a blind number by the Administrative Sergeant as such statistics shall be treated as confidential.

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Any employee may contact the Administrative Sergeant to obtain his / her Personnel Early Warning data.

5. The respective supervisor and Division Commander or Manager shall meet with the employee to review and discuss the content of the matrix data. The Division Commander or Manager then determines if:

a. The employee's actions were appropriate, justified and no intervention is needed; or

b. The employee's behavior is problematic and an intervention is appropriate. If no intervention is needed, the Division Commander or Manager then generates a memo or e-mail to the Administrative Sergeant indicating that no intervention is needed, along with the reasons why. A copy of the memo or e-mail shall be placed in the employee's Division Commander Evaluation file and shall be destroyed with all other materials following the evaluation period.

6. If it is determined that intervention is appropriate, the Division Commander or Manager, the employee's supervisor, and the employee shall determine an action plan to end the problematic behaviors and to improve performance. Such action plans may consist of any of the following, or combination thereof, but not limited to:

a. Counseling by the immediate supervisor;

b. Peer counseling;

c. Referral to the Employee Assistance Program for counseling or referral assistance;

d. Remedial training;

e. Reassignment;

f. Referral to a health care professional for a fitness for duty examination;

g. Develop a Performance Improvement Plan (345 POL); or

h. An assessment that some type of problem exists and develop an action plan not specified above. The supervisor documents the action plan and places it in the employee's Division Commander File. A copy is also sent to the Administrative Sergeant.

7. Each supervisor shall monitor progress and behaviors of the reviewed employee to ensure performance improvement. Supervisors shall be accountable to monitor subordinate employee's behaviors and for compliance with the prescribed action plan. Supervisors shall meet with the reviewed employee as appropriate and report monthly directly to his / her Division Commander or Manager until undesirable behaviors cease, performance improves, or it is determined that the employee has completed the action plan and no further intervention is needed. An action plan shall be maintained in the Division Commander's evaluation file until completion of the plan, or when problematic behaviors end and the plan is no longer needed. Action plans shall then be destroyed at the conclusion of the next evaluation cycle.

8. Employees shall be evaluated based on behaviors that led to the review, and not the review itself or compliance with any action plan or other intervention.

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9. Supervisors shall be evaluated on their effectiveness in correcting the behaviors of subordinate reviewed employees.

10. The Patrol Division Commander shall generate an annual evaluation of the Early Warning System, directed to the Chief of Police. Such evaluation shall:

a. Review the effectiveness of the system;

b. Identify potential behaviors that should be added to the data matrix;

c. Identify behaviors that are not useful and should be eliminated from the data matrix;

d. Evaluate procedures of the system.

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Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 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.

1058.2 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 Medford 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.

1058.3 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 Medford Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Medford 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 Medford Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Medford Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Criminal Justice Code of Ethics as adopted by the Medford 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 Medford 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).

1058.4.1 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 Medford Police Department or identify themselves in any way that could be reasonably perceived as representing the Medford Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Medford Police Department.

A notice of restrictions on political activities by employees will be posted and maintained by the Department in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1058.6 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.

1058.7 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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Mentoring Program

1059.1 PURPOSE AND SCOPE

Medford Police Department provides mentoring resources to all employees to ensure successful completion of probationary training and to support the continuing professional growth of tenured employees.

The Mentoring Program assists in the assimilation of new employees into the Department. It fosters employee retention, and begins the process to develop employee careers for the long term. The Mentoring Program shall not interfere with the Field Training Program, or other Department training or supervision.

A volunteer mentor may be assigned to an employee any time following release from field training or other formal entry-level training. Upon request, via the chain of command to the Mentor Coordinator, employees shall be paired with tenured employees, possibly of the next rank higher, based upon the long-term needs and goals of the employee. Tenured employees may request mentorship. The mentor shall serve as a resource, confidant, facilitator and advisor.

Medford Police Department identifies and maintains a pool of available mentors.

There shall be no special privileged communications or expectation of confidentiality between the mentor and the employee being mentored.

Mentors serve voluntarily and without compensation. No overtime shall be paid for mentoring services and activities.

PROCEDURES:

- 1059.01 PRO Assigning Mentors

1059.2 MENTOR FUNCTIONS

Mentors shall:

- Explain the mentoring function to the employees;
- Encourage and model value focused behavior;
- Share critical knowledge and experience;
- Listen to personal and professional challenges;
- Set expectations for success and offer wise counsel;
- Help build self-confidence;
- Offer friendship and encouragement;
- Provide information and resources;
- Offer guidance, give feedback and cheer accomplishments;

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- Discuss and facilitate opportunities for new experiences and skill building;
- Assist the employee to eliminate distractions and obstacles to success;
- Assist in mapping a career plan;
- Attend approved mentor training;
- Provide feedback to the Mentor Coordinator; and
- Attend scheduled mentor meetings.

1059.3 MENTOR QUALIFICATIONS

Mentors possessing any of the following qualifications may be selected from any division of the Department by the Mentor Coordinator with the endorsement of the applicant's supervisor.

Mentors shall have:

- Completed probation;
- No current negative behavioral or performance issues;
- Effective communication skills;
- Demonstrated sound job knowledge, skills and abilities;
- An interest in the mentoring process and professional growth;
- A good attendance record;
- "Satisfactory" or better current evaluation(s);
- The ability to assume responsibility;
- Organizational loyalty;
- Flexibility;
- Been recognized by peer employees as a role model;
- Successfully completed mentoring training; and
- Demonstrated enthusiasm for their respective occupation.

A mentor can mentor more than one employee simultaneously. A mentor may be removed from the pool without cause by the Mentor Coordinator, the Chief of Police or his designee.

1059.4 MENTOR COORDINATOR

The Mentor Coordinator shall hold the rank of Sergeant, Supervisor or higher. The Mentor Coordinator's duties shall include:

- Administering and overseeing the program;
- Facilitating the mentor committee meetings;

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- Maintaining a pool of volunteer mentors;
- Serving as a liaison with Administrative Division;
- Recruiting and training mentors;
- Pairing mentors with employees; and
- Annual review of the program and update policy.

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Grievance Procedure

1060.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. This department's philosophy is to promote a free verbal communication between employees and supervisors.

1060.1.1 GRIEVANCE DEFINED

For the purposes of this procedure a grievance is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation, or application of any department policies or City rules and regulations covering personnel practices or working conditions, by the affected persons.

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy federal, state, or local law, as set forth in the Personnel Complaints Policy.

1060.1.2 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.

1060.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Bureau Commander of the affected bureau or division.

(c) If a successful resolution is not found with the Bureau Commander, the employee may request a meeting with the Chief of Police.

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(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

    (a) The basis for the grievance (i.e., what are the facts of the case?)

    (b) Allegation of the specific wrongful act and the harm done.

    (c) The specific policies, rules or regulations believed to have been violated.

    (d) What remedy or goal is sought by this grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1060.3 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.

1060.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration Support 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.

1060.5 ANNUAL REPORT OF GRIEVANCES

The Administration Support Bureau Commander will create a report to the Chief of Police no later than January 15 of every year that lists the grievances filed within the calendar year. The report will include the basis of the grievances, the findings of the grievances, and an analysis to determine trends or patterns of issues that could be remedied through training, policy modification, or correction of personnel performance.

The report should not contain any identifying information from any individual grievance. The Training Coordinator should promptly notify the Chief of Police if the report identifies any policy manual content that may warrant a critical revision.

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Military Leave

1061.1 PURPOSE AND SCOPE

Medford Police Department grants military leave and honors all obligations to all employees that are enlisted in the National Guard and reserve military, pursuant to Oregon Revised Statutes 408.238-290 and the Uniformed Services and Employment and Re-employment Rights Act of 1994 (USERRA).

PROCEDURES:

- 1061.01 PRO Repatriation Orientation Training Schedule

1061.2 REPATRIATION ORIENTATION

Medford Police Department reorients employees returning from lengthy military obligations in either combat or non-combat environments.

This Department acknowledges that employees returning from military deployments may have been subjected to traumatic events. It is the goal of this policy to facilitate the transition from military to police a smooth one and to meet the needs of the returning veteran. It is common for returning veterans to experience significant changes in their cognitive and physiological functions as a result of these events, both acutely and in the long term. As the employee may or may not be experiencing some or all of these changes, it is this Department's intent to provide every available resource to the employee for the employee's benefit in the event the employee seeks to obtain such assistance.

To address this issue, Medford Police Department educates and trains returning veterans to facilitate a smooth return to civilian law enforcement following such military deployments. Such orientation program shall be tailored to the individual needs of the employee and should be based on the length of deployment and specifics of the assignment the employee is returning to.

This policy shall not be in violation of the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) or Title 38 of the United States Code.

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Line-of-Duty Deaths

1062.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Medford Police Department in the event of a death of a member occurring in the line of duty, or the death of a member in good standing that occurs off-duty. This policy is meant as a reference to guide the Department in providing proper support for the member's survivors.

It is the policy of the Medford Police Department to provide assistance to the survivors of an employee who dies in the line of duty, whether feloniously or accidentally. The Chief of Police may institute certain parts of this policy for cases of an actively employed member's natural or non-line of duty related death. A natural or non-line of duty death can have similar impacts to a line of duty death, so care for the family and department is of paramount importance.

Except where language denotes what must be done, this policy will be a guideline and may be enhanced or changed as determined by the incident. Funeral arrangements will be determined by the **family** of the deceased officer or employee, with their wishes taking precedence over the wishes of the Department.

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.

FORMS:

- 1062.01 FRM Critical Incident Notification Information (Commonly referred to as Line of Duty Death Packet) 1062.01 FRM LODD Packet.pdf
- 1062.08 FRM Optional Financial Diary COPS Financial Diary.pdf

PROCEDURES:

- 1062.02 PRO Notification Procedure 1062.02 PRO Notification Procedure.pdf
- 1062.03 PRO Family Liaison Officer 1062.03 PRO Family Liaison Officer.pdf
- 1062.04 PRO Agency Liaison Officer 1062.04 PRO Agency Liaison Officer.pdf
- 1062.05 PRO Benefits Coordinator 1062.05 PRO Benefits Coordinator.pdf
- 1062.06 PRO Hospital Liaison 1062.06 PRO Hospital Liaison.pdf
- 1062.07 PRO Appropriate Ceremonial Honors 1062.07 PRO Appropriate Ceremonial Honors.pdf

1062.2 POLICY

It is the policy of the Medford 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.

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1062.3 OREGON FALLEN BADGE FOUNDATION

In the event of a line-of-duty death, The Chief of Police, or designee, will contact the Oregon Fallen Badge Foundation (OFBF) to request activation of the Line of Duty Death Response Team (LODDRT) as soon as possible, including if an officer is grievously wounded and death appears to be imminent but has not yet occurred. OFBF will provide a full multi-agency Incident Management Team to assist in supporting the family and Department, along with the planning and carrying out funeral services in accordance with the wishes of the family. OFBF will work in partnership with the Department to ensure the needs and wishes of the family and department are met, and the LODDRT Incident Commander, regardless of agency of origin, will report directly to and receive orders from the Chief of Police.

Coordination of events following the line-of-duty death of a police officer is an extremely important and complex responsibility. In order to provide the best possible services and support for the officer's family while exhibiting professionalism and compassion at all times specific tasks may be assigned to selected members of the Department. The Department will provide to the LODDRT personnel to fill the following roles:

- Family Liaison Officer(s) (Refer to 1062.03 PRO for roles and responsibilities of position)
- Agency Liaison Officer (Refer to 1062.04 PRO for roles and responsibilities of position)
- Benefits Coordinator (Refer to 1062.05 PRO for roles and responsibilities of position)
- Public Information Officer
- Peer Support Coordinator (from the Department Peer Support Team)
- Any other personnel requested by the LODDRT

All funeral-related expenses with the exception of the wages of individual officers assigned to the LODDRT will be borne by OFBF. No funeral-related expenses will be borne by the Department or the family.

The Department may also contact OFBF in the case of a natural or non-line of duty death to provide advisors and support, though the full LODDRT will not be deployed nor will funeral expenses be covered by OFBF.

1062.4 NOTIFICATION

Time is of the essence and the first priority is to notify the family as they should learn of the death or serious injury from the Department and not other sources. The department WILL NOT release the name of the deceased officer before it is confirmed that the immediate family has been notified. For a detailed procedure on performing notification, please refer to 1062.06 PRO.

1062.5 ASSISTING THE FAMILY AT THE HOSPITAL

In the event the officer is first transported to the hospital, the first Administrative Official, other that the Chief or designee, to arrive at the hospital becomes the Hospital Liasion. The Hospital

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Liasion is responsible for coordinating the activities of hospital personnel, the officer's family, police officers, the press and others. For a detailed description of these duties, please refer to 1062.06 PRO.

1062.6 SUPPORT OF THE FAMILY DURING MEMORIAL SERVICES

With the approval of the family and in accordance with their wishes, the Chief of Police will assign primary and secondary Family Liaison Officer(s) as soon as possible (See 1062.03 PRO). The family's wishes will always take precedence over the Department's wishes, and the Family Liaison Officers will ensure the voice of the family is heard throughout the planning process and the family's needs and wishes are met. Within 24 hours, the Chief or his designee will also designate an Agency Liaison Officer (See 1062.04 PRO) and a Benefits Coordinator (See 1062.05 PRO). The City's Human Resources Manager or their designee should act as Benefits Coordinator if that position cannot be filled within the Department.

The LODDRT will establish donation collection points for those wishing to financially aid the family. The use of on-line crowd funding sites will not be endorsed by the Department for the protection of the family.

1062.7 SUPPORT OF THE DEPARTMENT DURING MEMORIAL SERVICES

The primary focus of the Department following the immediate aftermath of a line of duty death will be care for the family and employees of the Department, as all members, both sworn and professional staff, will be affected in a variety of ways. Funeral planning will be conducted with the assistance of the OFBF LODDRT in accordance with the wishes of the family, and all funeral related expenses will be borne by OFBF.

The LODDRT will also provide an Executive Liaison, a law enforcement executive from an outside agency, to the Chief of Police and command staff to support them and aid in areas such as outside agency coverage coordination.

1062.8 CONTINUED SUPPORT FOR THE FAMILY

Survivors should continue to feel part of the "police family." They should be invited to Department activities to ensure continued contact. Members of the Department are encouraged to keep in touch with the family so long as the family expresses a desire to have these contacts continue.

The Chief of Police should observe the anniversary of the officer's death with a note to the family and/or flowers on the grave. The Chief of Police should contact with the Department members directly affected by the incident on the anniversary date of the death. The Chief of Police should also mark the anniversary date with a Department wide message.

The Family Liaison Officers act as long-term liaisons with the surviving family to guarantee that their needs are met as long as they feel the need for support.

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Family Liaison Officers will relay all details of the incident to the family at the earliest opportunity. If criminal violations surround the death, the Family Liaison Officer(s) will:

- Inform the family of all new developments prior to press release;
- Keep the family apprised of legal and parole proceedings;
- Introduce the family to Victim Assistance Specialists of the court;
- Encourage the family to attend the trial if they desire, and accompany them whenever possible;
- Arrange for investigators to meet with the family at the earliest opportunity following the judicial proceedings to answer all their questions.

Plaques and memorabilia provided to the spouse/significant other should also be given to the parents.

Any permanent memorial plans should be undertaken only with the authorization of the family. It is recommended that the Department wait at least a few years before beginning permanent memorial plans.

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Illness and Injury Prevention

1063.1 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 Medford 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.

1063.2 POLICY

The Medford 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.

1063.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Support Bureau Commander is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will (OAR 437-001-0765):

1. Meet monthly.
2. Prepare a written record of safety and health committee meetings.
3. Establish procedures for conducting workplace safety and health inspections.
4. Conduct quarterly workplace inspections.
5. Review the results of periodic scheduled inspections.
6. Review investigations of accidents and exposures.
7. Make suggestions to command staff for the prevention of future incidents.
8. Review investigations of alleged hazardous conditions.
9. Submit recommendations to assist in the evaluation of member safety suggestions.

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10. Assess the effectiveness of efforts made by the Department to meet applicable standards (OAR 437-001-0001 et seq.).

(f) Establishing a process to ensure work-related fatalities and hospitalizations are reported as required by Oregon Occupational Safety and Health Administration. Notification is required within eight hours after the death of any member, and within 24 hours of an inpatient hospitalization of one or more members, an amputation, an avulsion that results in bone loss, or a loss of an eye as a result of a work-related incident (OR-OSHA) (29 CFR 1904.39; OAR 437-001-0704).

(g) Establishing a process that an OR-OSHA annual summary of work-related injuries and illnesses is completed and posted in a conspicuous location where notices to all members are customarily posted in compliance with the Oregon Safe Employment Act (OAR 437-001-0700(17)).

1063.3.1 SAFETY COMMITTEE

The Medford 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 Medford 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.

1063.4 ADMINISTRATION SUPPORT BUREAU COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Support Bureau Commander include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.

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2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Communicable diseases (29 CFR 1910.1030; OAR 437-002-0360)
   (b) Personal protective equipment (PPE) (OAR 437-002-0134)
   (c) Fire Prevention Plan (OAR 437-002-0043)
   (d) Respiratory protection (29 CFR 1910.134; OAR 437-002-0120)
   (e) Exit and exit routes (OAR 437-002-0041)
   (f) Emergency Action Plan (OAR 437-002-0042)
   (g) Walking-Working surfaces (29 CFR 1910.21 et seq.; OAR 437-002-0020)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1063.5 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 Administrative Support Division Commander.

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(e) Notifying the Administrative Support 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.

1063.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administrative Support Division Commander via the chain of command.

The Administrative Support Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1063.7 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 Administrative Support Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1063.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

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1063.8 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.

1063.9 TRAINING

The Administration Support Bureau Commander should work with the Training Coordinator 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.

1063.9.1 TRAINING TOPICS

The Training Coordinator shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

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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.

1063.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee notes shall be kept for a minimum of three years (OAR 437-001-0765).

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Attachments

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324.01 PRO Juvenile Criminal Cite and Release.pdf

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1062.01 FRM LODD Packet.pdf

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1062.01 FRM Medford Police Department

Confidential

Critical Incident Notification Information

LAST NAME:	FIRST NAME:	MIDDLE NAME:

Information will be used **ONLY** in the event of your serious injury or death in the line of duty or an off-duty serious injury or death to a department member in good standing. Please take the time to fill it out accurately with the input of your spouse, significant other or family, because the data will be of extreme comfort to your family and the agency in fulfilling your wishes. It will be maintained in a secure, confidential file. This must be reviewed annually. Please initial and date at the end of the form, if the information is unchanged. While not mandatory, it is strongly suggested that the Concerns of Police Survivors (COPS) "Personal Financial Diary" be completed by each member to ease financial planning on the part of the member's family in the event of a line of duty death. The Personal Financial Diary is filled out and kept safe by the member, not the Medford Police Department.

YOUR STREET ADDRESS (NO PO BOXES):		
CITY:	CELL PHONE:	HOME PHONE:
PRIMARY CARE PHYSICIAN/PHONE NUMBER:		BLOOD TYPE
ANY MEDICAL INFORMATION THE AGENCY SHOULD BE AWARE FOR YOUR IMMEDIATE MEDICAL CARE:		

FAMILY INFORMATION

SPOUSE/SIGNIFICANT OTHER NAME:	SPOUSE/SIGNIFICANT OTHER CELL PHONE:
ADDRESS IF DIFFERENT FROM ABOVE:	
SPOUSE/SIGNIFICANT OTHER EMPLOYER:	WORK TELEPHONE:
SPOUSE/SIGNIFICANT OTHER WORK ADDRESS:	

NAMES AND DATES OF BIRTHS OF YOUR CHILDREN & STEP-CHILDREN. IF YOU HAVE MORE THAN FIVE, PLEASE INCLUDE THEIR INFORMATION ON A SEPARATE PAGE. PLEASE INCLUDE **ALL** CHILDREN:

NAMES:	DOB:

IF YOU ARE DIVORCED, PLEASE PROVIDE INFORMATION ABOUT YOUR EX-SPOUSE. IF YOU HAVE MORE THAN ONE, PLEASE PROVIDE THAT INFORMATION ON A SEPARATE PAGE. PLEASE ALSO INDICATE WHO THE OTHER PARENT(S) IS/ARE OF ANY OF YOUR CHILDREN AND THEIR CONTACT INFORMATION.

EX-SPOUSE/SIGNIFICANT OTHER NAME:		
ADDRESS:		
CITY:	STATE:	ZIP CODE:
WORK PHONE NO.:	HOME/CELL PHONE NO.:	
DO YOU WANT A LAW ENFORCEMENT REPRESENTATIVE TO CONTACT YOUR EX-SPOUSE? ☐ YES ☐ NO		

PLEASE LIST THE NAME, ADDRESS, AND TELEPHONE NUMBERS OF YOUR CHILDREN WHO LIVE OUTSIDE THE FAMILY HOME AND KEY RELATIVES (PARENTS, SIBLINGS, IN-LAWS, ETC.) BELOW: PLEASE INDICATE THE PEOPLE YOU WOULD LIKE TO BE CONTACTED BY A LAW ENFORCEMENT REPRESENTATIVE IN PERSON. BEGIN WITH THE FIRST PERSON YOU WOULD LIKE NOTIFIED.

NAME/ RELATIONSHIP	DAY ADDRESS	EVENING ADDRESS	CELL PHONE	HOME PHONE	LE NOTIFICATION?

Is there anyone you would like to accompany the Agency Head or designee when the notification is made to your immediate family? If someone other than an Agency member, please include address and telephone number. Also, list any key family/friends you would like called to your immediate family's home after notification has been made, to assist them. Please also indicate who you would **not** like to be present when your family is notified:
The following family members have health concerns that the Agency should be aware of, when making notifications:
Is there anyone else you would like contacted to assist your family, or to assist with funeral arrangements, or related matters who is not listed above? Please also indicate who you would **not** like to have contact with your family:
Please list memberships in law enforcement, religious, or community organizations that may provide assistance to your family.
Please list who you would prefer to be the Family Liaison from Law Enforcement: Would you like memorial service with full law enforcement honors?: Are you a veteran of the Armed Forces? If so, what branch(es)? What is the location of your will and/or financial diary? Have you completed the C.O.P.S Personal Financial Diary? If so, where is it located?

Signature_____**Date**_____

206.04 PRO VIP Security Plan.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 206.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

206.04 PRO — VIP SECURITY PLAN

1. **Medford Police Department shall conduct advance planning for security for a visit to Medford by a Very Important Person (VIP).**

A VIP is defined as a dignitary, famous personality, notorious person, or any person in need of special security considerations.

2. **The Operations Bureau Chief, or his designee, shall serve as the supervisor in planning and coordinating security for any pending VIP visit.**

3. **Advanced logistical planning is necessary for the following functions for a VIP visit:**

   a. Communications;
   b. Interagency assistance;
   c. Incident command;
   d. Analysis of travel routes and venues;
   e. Vehicles & equipment;
   f. Intelligence;
   g. Civil disorder;
   h. First aid, medical and hospital resources;
   i. Contingency plans.

4. **Elements of the following shall be considered in planning:**

   a. Special Weapons & Tactics Team;
   b. Mobile Response Team;
   c. Medford Fire Department;
   d. Mercy Ambulance;
   e. Other Jackson County police agencies under the Cooperative Policing Plan;

f. Federal Law Enforcement Agencies:
   i. US Secret Service;
   ii. Federal Bureau of Investigation;
   iii. US Marshal's Service; and
   iv. US Immigration & Naturalization Service (ICE).

Roles and responsibilities of participating agencies and specific personnel shall be considered in the planning stages.

Coordination of operations within the Department and with other participating agencies shall be conducted in the Incident Command format from a designated command post.

5. <u>Special equipment may be utilized, but not limited to:</u>

a. Marked and unmarked vehicles;
b. Armored vehicles;
c. Special surveillance and communications equipment;
d. Soft body armor to be furnished to the VIP and accompanying security personnel.

6. <u>Travel routes and alternative travel routes shall be planned and reconnoitered prior to the VIP visit.</u>

Advance on-site teams shall conduct on-site inspections of travel routes and areas to be frequented by the VIP. Designated security teams shall sweep the travel routes and areas to be frequented by the VIP just prior to the visit.

7. <u>Intelligence information shall be gathered on persons of interest who may present a potential threat to the VIP.</u>

Intelligence on such persons shall be shared with participating personnel and agencies during final briefings.

8. **Identification of emergency first aid resources, designated hospitals and available medical facilities and staff shall be surveyed in advance.**

9. **Color-coded identification lapel pins may be issued, to be worn by all plain-clothes personnel.**

608.01 PRO Establishing Informants.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 608.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

608.01 PRO -- ESTABLISHING INFORMANTS

Action by: *Action:*

OFFICER

1. **Obtains** a copy of the Informant Packet and completes with the person wishing to become an informant.

2. **Requests** the informant to sign the agreement in the presence of two MPD employees.

3. **Obtains** a current photograph of the informant.

4. **Presents** Informant Pack to immediate supervisor for approval.

5. **Sends** the entire pack to TIU for a files check through Western States Information Network (WSIN) upon receiving approval from a supervisor.

    a. The informant cannot be used if the informant has been found to have been deemed unreliable as a result of WSIN files.

    b. **Presents** the entire packet to the Operations Support Division Clerk for filing and issuance of a CRI# if the informant is clear through WSIN files.

6. **Contacts** the P.O. and obtain permission if the informant is on probation and is going to be involved in narcotics-related activity.

    a. If the activity does not involve narcotics activity, then the P.O. does not need to approve the activity, however, the P.O. should be contacted in a timely manner.

    b. **Contacts** the sentencing judge to obtain permission if the P.O. refuses to grant permission to use the informant for drug buys.

7. **<u>May use</u>** current parolees for buy/burns (involving an immediate arrest) or property crime information, only.

The officer can only use a parolee's information to write a search warrant if the parolee is either:

a. Named in the warrant, or
b. Have been previously established as reliable and have not been deemed unreliable by WSIN.

A parolee cannot be directed to go into a drug house to make a buy or to do a visual observation of controlled substances.

In order to use a parolee as a drug informant, the Chief of Police must compose and sign a letter to the Parole Board requesting permission to do so.

8. **<u>Utilizes</u>** 3 methods to establish reliability of an informant to avoid having them named in a search warrant:

a. Have the informant make 2 controlled buys.
b. The informant provides information that leads to the arrest of two individuals.
c. Submit the informant to a polygraph examination on the information provided.

331.02 PRO Newborns--Safe Place.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 331.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

331.02 PRO -- NEWBORNS—SAFE PLACE

1. **Medford Police Department shall accept custody of any newborn infant under ORS 418.017 if the infant:**

    a. Is 30 days of age or younger as determined to a reasonable degree of medical certainty; and
    b. Has no evidence of abuse.

2. **Medford Police personnel receiving a newborn shall:**

    a. Check the infant for signs of abuse.
    b. Attempt to determine if the infant is 30-days old or younger.
    c. Accept the infant if both 1a. and 1b. are met.

3. **A parent leaving a newborn shall not be questioned regarding identity of the newborn or the parent and may be allowed to leave the police facility at any time.**

4. **A parent leaving a newborn shall be presented "A Safe Place for Newborns" packet, which is kept in Records.**

The parent shall be asked to complete a voluntary health questionnaire found in the packet. It can be completed and mailed later.

5. **Medford Police personnel shall contact DHS for placement.**

6. **For additional "A Safe Place for Newborns" packets, contact Oregon State Department of Human Services at (503) 731-4016.**

377.01 REF Federal Firearms Prohibitions Inv Protection Orders.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 377.01 REF
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

377.01 REF -- FEDERAL FIREARMS PROHIBITIONS INVOLVING PROTECTION ORDERS

Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). Violation of this prohibition while the order remains in effect is a federal offense punishable by up to ten years imprisonment. 18 U.S.C. 922(g)(8), 924(a)(2).

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. ***Generally, a defendant / respondent subject to a protection order that includes one element from each section listed below is covered by the federal firearms prohibition.***

HEARING

Defendant / respondent received ***actual notice*** and had an ***opportunity to participate.***

INTIMATE PARTNER

Plaintiff / petitioner is an **intimate partner** of the defendant / respondent, (18 U.S.C. 921(a)(32)) that is:

A **spouse** of defendant / respondent;
A **former spouse** of defendant / respondent;
An individual who is a **parent** of a child of defendant / respondent; or
An individual who **cohabitates or has cohabitated** with defendant / respondent.

RESTRAINS FUTURE CONDUCT

The order **restrains** the defendant / respondent from **harassing, stalking, or threatening** the intimate partner, child of the defendant / respondent, or the child of the defendant / respondent's intimate partner; or

The order **restrains** defendant / respondent from engaging in other conduct that would place the intimate partner in **reasonable fear of bodily injury** to the partner or child.

CREDIBLE THREAT OR PHYSICAL FORCE

- The order includes a finding that defendant / respondent is a **credible threat** to the physical safety of the intimate partner or child; or

- The order, by its terms, explicitly prohibits the use, attempted use, or threatened use of **physical force** against the intimate partner or child that would reasonably be expected to cause bodily injury.

For further information about firearms prohibitions or section 922(g)(8), contact the Bureau of Alcohol, Tobacco and Firearms (800) 800-3855.

ATF I 3310.2 (03-01)

804.17 PRO Disposition of Narcotics.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.17 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.17 PRO -- DISPOSITION OF NARCOTICS

1. **All narcotics evidence shall be destroyed pursuant to court order following final disposition of its respective criminal case.**

2. **Prescription medications seized as a result of death investigations not involving criminal activity shall be destroyed without court order.**

3. **A minimum of 2 MPD employees shall witness destruction of all narcotics evidence.**

206.01 PRO Critical Incident Management.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 206.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

206.01 PRO -- CRITICAL INCIDENT MANAGEMENT

Action by: *Action:*

OFFICER

1. **Contains and isolates** the threat ***physically*** and ***psychologically***.

2. **Establishes** an ***inner perimeter***, tailored to the circumstances of the threat.

3. **Gathers** intelligence and constantly **evaluates** the threat.

4. **Maintains** communications with ECSO.

If uniformed officers are exposed, move them behind cover and concealment.

5. **Considers** call-out of additional personnel.

6. **Establishes** an ***outer perimeter*** that blocks access into the problem by both vehicle and foot traffic.

7. **Establishes** a ***command post***, out of sight of the threat location.

Most command posts are established usually a block away and do not need to be located near the threat. The incident commander should remain at the command post unless relieved by a superior officer.

The command post must include an area for HNT that is separate from incident command, if negotiators are needed.

The incident commander should have a separate phone. (Fire stations and schools are excellent locations for command posts.)

8. **Assigns** one person as a ***recorder / log keeper***.

9. **Evacuates** buildings immediately adjacent to and across from the threat on all sides.

Expand the evacuation perimeter based on the threat.

10. **Considers** using a bus to temporarily shelter evacuees.

11. **Considers** contacting the Red Cross to assist with emergency shelter.

12. **Establishes** a ***staging area***, near but separate from the command post.

The staging area should contain the following:

a. A meeting area for the PIO and news media from where all press releases are made.
b. Stand-by police, fire and rescue personnel and equipment.
c. Food, concessions and rest facilities for personnel relieved from duty.
d. Concerned citizens who may be helpful.
e. Any other reserve personnel or equipment.

All perimeter personnel should be notified of the location of the staging area and the safe approach route.

13. **Delegates** team-leading roles to major functions.

14. **Activates** SWAT, if needed.

15. **Considers** landing zone if helicopter rescue is needed.

16. **Works** toward resolution of the problem, or **maintains** perimeter.

17. Following resolution of the situation:
    a. **Completes** crime reports
    b. **Completes** after action reports as directed.
    c. **Participates** in critique.

601.03 FRM Intel Cover Sheet.pdf

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424.01 PRO Responding to Active Shooters.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 424.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

424.01 PRO -- RESPONDING TO ACTIVE SHOOTERS

Action by: *Action:*

ECSO COMMUNICATIONS SPECIALIST

1. **Dispatches** call as ***"shots fired"*** or ***"man with a gun,"*** not as "active shooter."

2. **Notifies** Watch Commander ASAP.

OFFICER

3. Expeditiously **responds** to area of incident and **assumes** tactical command for incident until relieved by a superior officer.

4. **Determines** if situation is an "active shooter."

5. **Secures** the radio frequency through ECSO.

6. **Establishes** a command post at a safe location.

7. **Advises** assisting units safest route to location.

8. **Assembles** a "hunt team."

9. **Assigns** one officer to the command post to serve as Incident Commander until relieved by a superior officer

10. **Deploys** and leads a "hunt team."

INCIDENT COMMANDER

11. **Establishes** an outer perimeter and safe place to interview witnesses.

12. **Notifies** EMS and have them stage at command post.

13. **Assembles** a “rescue team” to be deployed once an area or suspect has been secured.

WATCH COMMANDER

14. **Responds** immediately to the command post and **assumes** overall command of incident, or **commands** “hunt team.”

15. **Notifies** command staff.

16. **Requests** SWAT call-out.

17. **Assesses** manpower and may call-out off-duty personnel.

600.02 FRM Arr Wt Affidavit Muni Ct.pdf

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IN THE MUNICIPAL COURT OF THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

CITY OF MEDFORD	)	
STATE OF OREGON	)	DOCKET#_____
Plaintiff	)	MPD CASE #_____
Vs.	)	
	)	AFFIDAVIT IN SUPPORT OF
	)	ARREST WARRANT
Defendant(s)	)	

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

I, _____, being first duly sworn, depose and say:

I am a peace officer of the City of Medford and I have reasonable grounds and probable cause to believe that on the ___ Day of_____, _____, at_____am/pm at or near: _____

Located in the City of Medford,

Name:_____ Date of Birth_____

Address: _____

Sex_____ Height_____ Weight_____ Eyes_____ Hair_____

Occupation: _____ Driver’s License:_____

Social Security:_____

SMT:_____, committed the following offense:

_____ in violation of City

Ordnance_____.

My basis of knowledge and belief is as follows:

_____

(Officer)

Subscribed and sworn to before me this _____day of _____,____.

_____

(Deputy Clerk)

804.11 PRO Disposition of Firearms.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.11 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.11 PRO -- DISPOSITION OF FIREARMS

1. **Firearms seized as evidence in cases involving weapons charges shall be disposed of at the direction of the court of record.**

Medford Police Department shall obtain a destruction order, signed by a Medford Municipal Court judge or a Jackson County Circuit Court judge prior to destruction of any firearm. If such court order directs the weapon to be "forfeited," it shall be destroyed, pursuant to ORS 166.279.

If such court order directs the weapon to be "destroyed or otherwise forfeited," Property Control personnel shall research the case report to determine if there are any other persons or organizations (other than the defendant) that may have a proprietary interest to the weapon.

If a pawn or second-hand store disputes ownership of the weapon, or another individual involved in the case may potentially have a claim to the weapon, then a letter (804.14 FRM) may be sent to any and all such establishments and / or persons at the Department's discretion, directing them to respond within 30 days of the date of the letter. Ownership shall be determined pursuant to Municipal Code 2.910.

If such party has been awarded compensation by the court in lieu of their interest in the weapon, then that party shall forfeit all ownership and interest in the weapon and the weapon shall then be destroyed.

Failure by any party to respond to the letter within the 30-day time period shall deem that the party has forfeited all rights to the weapon, and the weapon shall then be destroyed.

2. **Firearms seized as evidence in cases involving stolen property, found property, or property held for safekeeping shall be returned to their rightful owners following final disposition by the court of record, and the owner successfully passing a thorough background investigation.**

Ownership shall be determined pursuant to Municipal Code 2.910.

3. **<u>Property Control personnel shall conduct a thorough background investigation on any person receiving returned firearms, prior to their return.</u>**

Such background investigation shall include:

a. District Attorney's disposition,
b. Municipal Court disposition,
c. LEDS (wants / corrections client),
d. NCIC wants,
e. Driving record,
f. FBI,
g. CCH,
h. NICS
i. Tiburon entries
j. ECourt
k. Serial Number query
l. Supervisor's approval.

Upon successful completion of a background examination to determine eligibility to possess firearms, the receiving person may be called to respond to Property Control to receive the firearm.

4. **<u>All firearms seized as evidence in criminal case and subsequently deemed forfeited by receipt of court order shall be destroyed.</u>**

In cases where mitigating circumstances exist, such as an innocent third party being victimized as a result of unintentional involvement in the case in question, the firearm may be returned to the victimized party upon supervisor's approval in the interest of justice. Such return of the firearm in question shall be contingent to a determination of ownership as well as the victim successfully passing the standard firearm return background investigation.

5. **<u>In cases involving convicted felons, the seized firearm(s) shall be forfeited for destruction, regardless of the outcome of the pending case, except in cases involving unusual mitigating circumstances or in the interest of justice.</u>**

Situations of mitigating circumstances or interest of justice shall be determined by the Department on a case-by-case basis and with the authorization of a supervisor.

6. **Persons receiving firearms shall read and sign a copy of the Firearm Return Affidavit (804.15 FRM) prior to receipt of the weapon.**

Such form shall be witnessed by a Property Specialist or other MPD employee. The receiving person shall be then given a copy of the signed form, with attached ORS references.

The described firearm shall be listed on page 1 of the form. Where multiple firearms are being released, a detailed list (including serial numbers) shall be attached to the form.

Receiving persons refusing to sign the form or unable to appropriately understand the meanings in the form shall not be given any weapon.

Completed Firearms Return Affidavit forms (excluding the referenced ORS's) shall then be filed with the case, attached to the Property Reports.

7. **Two Department employees shall witness and verify destruction of firearms ordered by the court to be destroyed.**

510.01 PRO Inventorying Towed VehiclesREV.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 510.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_05/13/20/ss_____

510.01 PRO -- INVENTORYING TOWED VEHICLES

Action by: *Action:*

OFFICER

1. **Determines** that the subject vehicle will be towed pursuant to 510.

2. **Contacts** ECSO to have a tow truck respond and requests a second Police Officer respond for officer safety.

3. Visually **scans** the vehicle and contents for weapons and other officer safety issues upon arrival of the second Police Officer and **secures** those items.

4. **Gives** any occupants, who are present and not under arrest, **notice** that they may retrieve readily removable personal belongings from the vehicle prior to inventory. Officers can assist with this if there are articulable officer safety concerns.

5. **Inventories** remaining contents of the vehicle to: **(a) protect the owner's property against loss or theft while it is held in police custody; (b) protect the police and the public from potentially dangerous vehicle contents ; and (c) prevent spurious claims of theft against the Medford Police Department.**

The inventory shall be conducted as follows:

a. **Locates and documents** in detail, all remaining property within the passenger compartment area, including but not limited to:

    1. Glove compartment, console box and other similar compartments;
    2. Accessible areas under the dashboard;
    3. Under seats;
    4. In door pockets;
    5. Under floor mats; and

6. Trunk compartment (as long as the trunk is accessible with the same key that turns the ignition or by a mechanism in the driver's or passenger's compartment that opens or allows access to the trunk.)

b. **Inventories** contents of all types of containers designed or objectively likely to contain money or valuables, including but not limited to:

1. Wallets and purses;
2. Fanny packs;
3. Coin purses;
4. Closed jewelry boxes;
5. Unlocked brief cases; and
6. Bank bags.

Any other closed containers not be likely to contain valuables that are located during the inventory shall not be opened. The officer shall itemize them in the report by their appearance and description, unless it is clear that the items present a hazard, or their opening is provided for by consent of the owner, search warrant, or some other legal document or warrantless exception.

6. **Notifies** a supervisor as soon as practicable upon finding:

   a. Firearms;
   b. Jewelry of potentially significant value;
   c. Large amounts of cash; or
   d. Other significant valuables.

7. **Completes** the Towed Vehicle Report.

8. **Requests** the vehicle owner / operator to sign the completed Towed Vehicle Report (unless the subject is in-custody, or is otherwise unavailable).

9. **Delivers** a copy of the completed Towed Vehicle Report to both the vehicle owner / operator and to the tow operator.

If the vehicle owner / operator is no longer at the scene or is otherwise unavailable, the copy may be left with the tow operator, which is to be delivered to the owner / operator upon retrieving the vehicle from storage.

10. **Completes** the appropriate tow letters to all potential owners and interest holders of the vehicle.

11. **Submits** the Towed Vehicle Report along with tow letters and teletypes from the LEDS tray to a Records Specialist.

12. **Signs** the Towed Vehicle Report in the presence of a Department-authorized witness and submits the report to Records for processing prior to end of watch.

Medford Police Department designates Sergeants, Master Police Officers and Records Specialists as authorized witnesses to sworn document signatures.

ECSO COMMUNICATIONS SPECIALIST

13. **Dispatches** a second Police Officer to assist in response to the officer's request and issues a case number.

14. **Contacts** the tow company to dispatch a tow truck, pursuant to the tow contract.

15. **Notifies** Records of the tow via teletype, providing the following information:

    a. Case #,
    b. Officer,
    c. License number,
    d. VIN number,
    e. Vehicle registration,
    f. Model, and
    g. Color.

RECORDS SPECIALIST (1st)

16. **Enters** the vehicle information promptly into the computerized LEDS system as a towed vehicle, based on information received from ECSO and **prints** a copy of the entry.

17. **Dates & initials** the teletype entry printout and promptly submits to a second Records Specialist for review.

RECORDS SPECIALIST (2nd)

18. **Reviews and initials** the teletype entry for accuracy.

RECORDS SPECIALIST (Any)

19. **Receives** the Tow Vehicle Report from the officer and **witnesses** the officer signing, and then signs as the authorized witness (if not already completed).

20. **Combines** teletypes and any other related paperwork into a single packet.

21. **Reviews** all paperwork to ensure all necessary forms have been submitted and all computer entries have been completed.

22. **Mails** all submitted tow letters via certified mail within 48 hours of the tow.

PATROL SUPERVISOR

23. **Reviews** report for accuracy and completeness and approves it.

24. **Submits** the report back to Records for filing and further processing.

804.13 PRO Releasing Firearms.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.13 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.13 PRO -- RELEASING FIREARMS

Action by: *Action:*

PROPERTY SPECIALIST

1. **Obtains** authorization to release a firearm from:

    a. The reporting officer; and
    b. The District Attorney's Office & court of jurisdiction to determine if the weapon is to be forfeited to be destroyed or released back to the owner.

2. **Contacts** the weapon's owner to:

    a. Notify that the weapon is available for release; and
    b. Complete a Background Information Worksheet with the following:
        i. Full name including aliases;
        ii. Date of birth;
        iii. Social Security number;
        iv. Oregon Driver's License or Identification Card number;
        v. Residence address; and
        vi. Phone number.

3. **Checks** Municipal Court files for any of the following convictions within the last 4 years:

    a. MMC 5.105 Assault.
    b. MMC 5.110 Menacing.
    c. MMC 5.115 Recklessly Endangering a Person.

4. **Checks** District Attorney files for any felony convictions or any of the following misdemeanor convictions within the past 4 years:

    a. ORS 163.160 Assault 4.
    b. ORS 163.190 Menacing.
    c. ORS 163.195 Recklessly Endangering.

d. ORS 163.208 Assault on a Public Safety Officer.
e. ORS 166.155 Intimidation 2.
f. Any conviction involving domestic violence.

5. **Checks** for current wants on the person through LEDS & NCIC.

6. **Checks** criminal history through LEDS & NCIC for any felony convictions, any of the aforementioned misdemeanor convictions involving violence and domestic violence.

7. **Checks** Oregon driving record for current address and valid ODL or ID card.

8. **Checks** for wants on the weapon through LEDS & NCIC.

9. **Submits** the completed Background Information Worksheet to a supervisor for signature if there are no disqualifiers; or

    a. **Notifies** the person that he was disqualified from taking possession of the weapon and details of the disqualification.

In such case, the person may choose to have the weapon released to a third party, who would also be subject to a background check.

10. **Contacts** the person & makes arrangements to release the weapon.

11. **Obtains** current identification from the person upon response & copies for records.

12. **Presents** the Firearm Return Affidavit to the person & obtains a signed copy.

13. **Presents** a printed receipt from the barcode system to the person & obtains a signed copy.

14. **Releases** the weapon, only.

Ammunition is not released back to the person.

15. **Files** all paperwork with Records Division for imaging with case.

401.03 PRO Investigating Accumulation of Garbage Cases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 401.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

401.03 PRO -- INVESTIGATING ACCUMULATION OF GARBAGE CASES

Action by: *Action:*

ORDINANCE COMPLIANCE COORDINATOR

1. **Receives** complaint of accumulation of garbage on the Code Compliance Line (x-2016) or from the Code Enforcement Coordinator.

2. **Assigns** the complaint to an officer.

CODE ENFORCEMENT OFFICER

3. **Responds** to location & observes accumulation of junk or garbage in violation of Medford Code 5.500 and photographs the violation.

4. **Contacts** complainant for further details, if necessary.

5. **Contacts** property owner to obtain response to allegations and discusses arrangements for property clean up.

6. **Contacts** the complainant to advise results of investigation and provide potential actions to be taken in the event of further violations.

7. **Returns** to the location at a later date to determine compliance.

8. **Issues** citation to the property owner for violation of 5.500 and completes report, if determined to be necessary.

9. **May dismiss** citation upon completion of clean-up or other corrective action taken.

10. **Completes** continuation report and closes case.

610.01 FRM Eyewitness Identification Form Photo Line Up Admonishment.pdf

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MEDFORD POLICE DEPARTMENT
610.01 FRM – EYEWITNESS IDENTIFICATION FORM
PHOTO LINEUP

Case #_____
Presenter Name:_____
Date and Time of Presentation:_____
Witness Name:_____

INSTRUCTIONS (READ BY OFFICER TO WITNESS)

In a moment I'm going to show you some photographs. A photograph of the person who committed the crime may or may not be among them. You will be shown all of the photographs and you may take your time looking at them.

If you see the person who committed the crime, pick that photograph. If not, don't pick any photograph.

If you pick a photograph, I'm going to ask you to explain why you picked that photograph and to describe how confident you are.

Do you understand these instructions? _____

WITNESS STATEMENT (WRITTEN BY OFFICER)

Witness picked photograph number: _____

_____

_____

_____

_____

I, _____, affirm that

- I read or was read the instructions above,
- I understood the instructions, and
- The statement written by the officer accurately reflects what I said.

Finally, I understand that I should not talk to other people about the photos or tell them which photo I picked, if any.

_____
Signature of Witness

1030.01 FRM Achievement Recog Award Nomination.pdf

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804.05 PRO Photography of Physical Evidence.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.05 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.05 PRO -- PHOTOGRAPHY OF PHYSICAL EVIDENCE

1. **Officers photograph crime scenes to preserve physical evidence.**

Major crime scenes should be photographed. Photos should be taken whenever an officer believes visual documentation will assist in the prosecution of criminal acts, incidents, and motor vehicle accidents.

Photographs shall be of high quality and shall objectively and accurately depict the item or scene at the time it was obtained. Regardless of the technology used, image integrity shall be maintained to ensure the chain of custody and that all photos are legally admissible.

Close-up photos as well as overall scene photos should be taken.

A scale should be used where minute measurements or size comparison is relevant.

Wounds, fingerprints, footprints, tire impressions, and tool marks are examples of appropriate situations for using scales in photography.

Items of evidence should be photographed both with and without the scale.

Systematic use of colored plastic numbers may be used to assist in identification and categorizing evidence.

Evidence should be photographed both with and without the plastic numbers present.

Officers may utilize digital photography and digital camera devices.

Cameras used for recording crime scenes shall be issued by Medford Police Department, or approved by a supervisor prior to use. Employees shall not use personal equipment for recording crime scenes without the express permission of a supervisor.

For videography at a crime scene, officers should use a grid, circular or specific area pattern of photography.

2. **<u>All photographic images and video recordings of crime scenes are property of Medford Police Department.</u>**

No photos shall be printed, downloaded, distributed to any unauthorized persons, or transmitted over the internet for any personal use.

DIGITAL CAMERAS

3. **<u>Digital photography may be used to photograph physical evidence.</u>**

4. **<u>Officers may delete digital photographic images when:</u>**

    a. There are objects blocking the visual field of the photo;
    b. The photo is blurry or out of focus;
    c. Failure of the flash to detonate;
    d. The memory storage exceeds the capacity; and
    e. The photograph was inadvertently taken and not relevant.

5. **<u>Employees obtaining digital photographs shall promptly deliver the flash card containing the photos to a Records Specialist and complete a Property Report.</u>**

The Records Specialist uploads the photos into the Records Imaging system under the related case number.

6. **<u>The Forensic Technician retains original digital photographs in evidence on a write-once, read-only compact disc.</u>**

All scene photographs taken by the Forensic Technicians shall be stored in the imaging system in Records.

The forensic technician completes a Property Report upon submitting original digital photographs for evidence.

7. **<u>Enhancement of any digital photograph shall only be done to a copy of the original photo.</u>**

In all cases, the original photo shall be maintained in its original state.

Enhancement of a copy of a photograph may involve (but is not limited to):

a. Sharpness enhancement; and
b. Use of images for court displays.

All enhancements & processes shall be documented.

8. **<u>Evidentiary digital photographs to be delivered to any outside source outside of Medford Police Department shall be:</u>**

a. Printed as any other photograph; or
b. Copied onto a write-once, read-only compact disc.

Records personnel charge appropriate fees for digital photo copies to be delivered to outside sources.

9. **<u>Photos retained for evidentiary value shall not be transmitted over e-mail at any time.</u>**

All information, documents and photographs communicated via electronic mail shall be considered public information.

804.08 PRO Forensic Latent Print Examinations.pdf

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324.02 PRO Juvenile Traffic Cite and Release.pdf

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356.03 PRO Responding to Sexual Assault Investigations.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 356.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

356.03 PRO—RESPONDING TO SEXUAL ASSAULT INVESTIGATIONS

Action by: *Action:*

ECSO COMMUNICATIONS SPECIALIST

1. **Assesses** victim for possible immediate safety & medical needs;

2. **Obtains** basic information:

    a. **Obtains** victim's identifying information;
    b. **Confirms** & **establishes** jurisdiction;
    c. **Determines** location of offense & coordinates security for establishing & preserving crime scene;
    d. **Identifies** suspect and location, if possible;
    e. **Advises** victim **not** to change clothing, bathe, urinate or eat or drink anything;
    f. **Maintains** phone contact with victim until officer makes contact in-person.

3. **Dispatches** officer & emergency medical personnel immediately, if necessary.

4. **Contacts** a SANE nurse to coordinate a response to an appropriate medical facility to meet the victim.

Hospital staff may have already summoned a SANE nurse if the victim responded directly to the hospital

5. **Provides** the SANE nurse's ETA to the medical facility to the victim and initial responding officer.

6. **Notifies** Watch Commander & staff as required;

OFFICER

7. **Responds** immediately to location of victim;

8. **Provides** or **facilitates** immediate care for safety and / or medical care;

9. **Obtains** a brief statement from victim to confirm initial dispatch information to include:

    a. **Establishes** & **confirms** jurisdiction;
    b. **Determines** if victim is a juvenile (which would involve an officer trained in child interviews and notification to DHS);
    c. **Locates** the crime scene;
    d. **Identifies** suspect & **determines** location;
    e. **Advises** victim not to change clothes, bathe, eat or drink anything, or disturb the area of crime;
    f. **Collects** first urination from victim after assault.

10. **Arrests** suspect if appropriate;

11. **Locates & preserves** the crime scene;

12. **Offers** victim choice of advocate / support person;

13. **Documents**:

    a. Victim's condition / outward appearance;
    b. Observations of crime scene;
    c. Observations of evidence;
    d. Spontaneous statements of victim, witness, or suspect.

14. **Transports,** or provides transportation of victim to medical facility (if injured and / or physical evidence is available);

15. **Obtains** a Sexual Assault Forensic Evidence kit (SAFE) and victim's clothing as evidence (Provides for change of clothes for victim) and any other available physical evidence;

Hospitals usually stock a supply of SAFE kits. If none is available, obtain from OSP.

16. **Coordinates** in-depth interview of victim with the SANE nurse following the physical examination.

17. **Obtains** a signed medical release form from the victim and copy of the SANE nurse's examination notes, if available.

18. **Stands-by** with victim at medical facility until relieved.

19. **Books** all collected physical evidence at Property Control prior to end of watch.

DETECTIVE

13. **Assumes** investigation as appropriate.

600.16 PRO Investigating Counterfeit Currency Cases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.16 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.16 PRO -- INVESTIGATING COUNTERFEIT CURRENCY CASES

Action by: *Action:*

OFFICER

1. **Responds** promptly to report of counterfeit currency.

2. **Interviews** reporting party and any witnesses.

3. **Obtains** the evidence, carefully preserving any latent print evidence.

4. **Presents** a receipt to the person producing the currency.

5. **Interviews** the suspect(s).

6. **Arrests** the suspect(s), if appropriate.

7. **Contacts** the US Secret Service immediately if:

    a. An arrest has been made and the suspect is clearly knowledgeable that the currency is counterfeit.
    b. A large amount of counterfeit currency has been recovered (10 or more notes).
    c. Any counterfeiting manufacturing equipment has been recovered (i.e., computers, scanners, color copiers, etc.)
    d. Any information is developed involving counterfeit manufacturing equipment.

The US Secret Service may be contacted at their 24-hour number:
(503) 326-2162.

8. **Completes** evidence booking and appropriate reports prior to end of watch.

9. **Forwards** a copy of the case to the Fraud Investigation Section.

FRAUD INVESTIGATIVE SECTION SUPERVISOR

10. **Reviews** case.

11. **Assigns** case to a detective, if appropriate.

205.01 PRO Purchasing Limits Dept Employees.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 205.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

205.01 PRO – PURCHASING LIMITS BY DEPARTMENT EMPLOYEES

1. **The following personnel are authorized to make purchases to the following limits:**

   a. Up to $2000:
      i. Patrol Division Commander.
      ii. Criminal Investigations Division Commander.
      iii. MADGE Commander.
      iv. Property Specialists.

   b. Up to $10,000:
      i. Bureau Commanders.
      ii. Administrative Support Division Commander.
      iii. Records Manager.
      iv. Administrative Assistants (designated).

   c. Up to $50,000:
      i. Chief of Police (with City Manager approval).

   d. Over $50,000:
      i. City Council approval.

1062.06 PRO Hospital Liaison.pdf

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1062.06 PRO
HOSPITAL LIAISON

In the event the officer is first transported to the hospital, the first official, other than the Chief of Police or designee, to arrive at the hospital becomes the Hospital Liaison. The Hospital Liaison is responsible for coordinating the activities of hospital personnel, the officer's family, police officers, the press and others.

These responsibilities include:

- Arrange with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the Notification Officer, and only those others requested by the immediate survivors.

- Arrange a separate area for fellow employees and friends to assemble, but close enough to the family room to ensure that the family does not feel isolated.

- Ensure that medical personnel relay pertinent information regarding an officer's condition to the family on a timely basis and before such information is released to others. They shall also make the family and fellow Department members aware of hospital policy about visitation with the injured officer and/or visitation with the body following death, and explain why an autopsy is needed.
    - Contact the Medford Police Department Honor Guard Commander and ensure that the officer's remains are flag draped as soon as practicable and in accordance with established investigative guidelines. Utilize a 5'x9 ½' flag if available.
    - Ensure that a uniformed officer is with the body of the fallen officer at all times. This includes arranging motorcade to the Medical Examiner's office and the coordination of an Honor Watch. This should be done in conjunction with the Honor Guard Commander.

- Notify the appropriate hospital personnel that all medical bills relating to the injured or deceased officer be directed to the appropriate governmental agency for payment. The family should NOT receive any of these bills at their residence address.

- The Hospital Liaison will see that the family is updated on the incident as soon as the family arrives at the hospital.

- At least one peer support member should be present the entire time the family is at the hospital, if requested, and should arrange whatever assistance the family may need at the time.

- Arrange transportation for the family back to their residence.

312.06 PRO Shotgun Qual Course.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 312.06 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

312.06 PRO -- SHOTGUN QUALIFICATION COURSE

12 Rounds Total – 6 Slugs and 6 Buckshot

100% hits in the 3 and 5 zones required to qualify.

Shotgun should be placed in “cruiser safe” with 6 rounds of buckshot loaded in the side saddle and 6 slugs loaded in the magazine tube.

25-Yard Line – 4 Rounds

1. On the signal, the officer fires:
    a. Two rounds standing.
    b. Two rounds kneeling.
2. Time Limit: 30 seconds.

15-Yard Line – 4 Rounds

1. On the signal, the officer fires:
    a. Two rounds standing.
    b. Combat load/load two rounds buckshot.
    c. Fires two rounds kneeling.
2. Time Limit: 45 seconds.

10-Yard Line – 4 Rounds

1. Officer combat loads/loads four rounds of buckshot.
2. On the signal, the officer fires four rounds standing.
3. Time Limit: 15 seconds.

314.02 PRO Pursuit Intervention Technique.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 314.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

314.02 PRO -- PURSUIT INTERVENTION TECHNIQUE (PIT)

Action by: *Action:*

OFFICER

1. **Evaluates** the situation and believes PIT implementation is needed to make an arrest or to prevent escape of an arrested person;

2. **Notifies** the supervisor in-charge prior to implementing the technique, unless a window of opportunity presents itself that requires immediate action;

3. **Defends** self or another person from what officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest, or while preventing or attempting to prevent an escape;

4. **Considers** alternative safer methods as a means of apprehension prior to implementing PIT;

5. **Selects** the PIT location considering:

    a. Safety to all officers and other persons in the area;
    b. Traffic and weather conditions; and
    c. Minimizing any potential damage to property of uninvolved third parties.

6. **Performs** the maneuver on the suspect vehicle if the suspect vehicle is traveling at 35 mph or less, (unless deadly force is justified);

Implementation speed must be at or below 35 MPH unless deadly physical force is justified.

7. **Proceeds** immediately past the suspect vehicle and other officers engaging in a high-risk stop of the suspect;

After successful completion of the maneuver, the officer should not be involved in the physical apprehension/custody of the suspect during the high risk take down.

8. Immediately **deploys** spike strips at a safe location past the stop until the suspect is in-custody;

The officer will continue past the location of the stop and deploy spike strips at the closest and safest location to the high risk stop.

9. **Reports** any vehicle damage resulting from a PIT maneuver on an Incident Report prior to end of watch, but does NOT forward to DMV.

401.01 PRO Responding to Specific Locations with Multiple Calls for Service.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 401.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

401.01 PRO -- RESPONDING TO SPECIFIC LOCATIONS WITH MULTIPLE CALLS FOR SERVICE

Action by: *Action:*

TACTICAL INFORMATION UNIT

1. **Compiles** a report and maps identifying locations within each patrol beat that have had a record of 5 or more calls for service within the previous calendar month.

2. **Forwards** the monthly report to the Patrol Division Commander for review.

TIU shall produce the Multiple Calls for Service Report during the first work week of the month, compiling statistics from the previous month.

PATROL DIVISION COMMANDER

3. **Assigns** the affected Beat Sergeant for implementation of a plan of action.

The Patrol Division Commander maintains a binder with each beat and Repeat Calls for Service Reports, available in the Patrol Sergeant's Office for reference.

BEAT SERGEANT

4. **Assigns** the appropriate beat officer(s) to evaluate the problem and develop a plan of action.

BEAT OFFICER

5. **Obtains** a case number as a nuisance case.

6. **Collects** data and evaluates the problem.

7. **Contacts** the Special Services Sergeant to enlist the assistance of Code Enforcement officers, if necessary.

8. **Implements** the plan of action.

9. **Evaluates** the results to determine the need to continue the plan of action.

10. **Documents** all enforcement actions in Incident Reports.

11. **Documents** progress reports on the nuisance project every 30 days and submits to the Beat Sergeant via e-mail, with a cc: to the Patrol Division Commander.

BEAT SERGEANT

12. **Determines** need to continue the plan of action or closes the case.

312 02 FRM Firearms Qualification.pdf

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600.13 PRO Investigating Credit Card Fraud.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.13 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.13 PRO -- INVESTIGATING CREDIT CARD FRAUD

Action by: *Action:*

OFFICER

1. **Responds** to complaints of credit card fraud in violation of ORS 165.055 for transactions that occurred within the City of Medford.

2. **Obtains** video of suspect or other identifying physical evidence, if available.

3. **Carefully handles** physical evidence to preserve latent prints.

4. **Collaborates** and networks with other agencies investigating credit card fraud.

5. **Contacts** the US Secret Service in cases of transactions involving counterfeit credit cards.

6. **Presents** Action Steps form to victim to assist with credit problems (336.03 REF).

7. **Obtains** a copy of the forged credit card voucher from the bank upon victim's consent.

8. **Obtains** extensive investigative information via subpoena duces tecum process through Grand Jury (600.14 FRM).

FRAUD INVESTIGATIVE SECTION SUPERVISOR

9. **Reviews** case.

10. **Assigns** case to a detective, if appropriate.

324.04 FRM Parent Notification Letter.pdf

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1020.04 REF Garrity Warning.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 1020.04 REF
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

1020.04 REF -- GARRITY WARNING

"**This interview is an internal affairs interview. I am the internal affairs investigator. Not withstanding your constitutional rights, I am ordering you to discuss the circumstances of this incident in full detail. Your failure to do so may result in disciplinary action being taken against you. You are advised that anything you do say cannot be used against you in a criminal proceeding."**

804.21 PRO Disposition of Found Bicycles.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.21 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.21 PRO -- DISPOSITION OF FOUND BICYCLES

1. **Bicycles shall be retained for 30 days following date of available release.**

2. **Found bicycles with an unknown owner may be disposed of after 30 days.**

Following the 30-day retention period, bicycles may be donated to local service and charity organizations.

Bicycles of significant value ($250 or more) may be sent to auction.

3. **Bicycles valued at $250 or less may be donated to non-profit organizations pursuant to City Ordnance 2.619.**

362.04 FRM ID Theft Entry Consent Form.pdf

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362.04 FRM -- IDENTITY THEFT SYSTEM ENTRY CONSENT FORM

By signing this document, I hereby provide the Medford Police Department permission to enter my personal data into the Federal Bureau of Investigation's Identity Theft File. This information may include, but is not limited to, physical descriptors and identifying information including my name, date of birth, place of birth, Social Security number, the type of identity theft, and a password provided to me for future identification verification purposes. I am also providing permission to enter my photograph and fingerprints into this file when that capability becomes available.

I understand that this information is being submitted as part of a criminal investigation of a crime of which I was a victim and will be available to entities having access to the FBI's National Crime Information Center (NCIC) files for any authorized purpose. I am providing this data voluntarily as a means to document my claim of identity theft and to obtain a unique password to be used for future identity verification purposes.

I understand that the FBI intends to remove this information from the NCIC active file no later than 5 years from the date of entry. I also understand that I may at any time submit a written request to the entering agency to have this information removed from the active file at an earlier date. I further understand that information removed from the active file will not thereafter be accessible via NCIC terminals, but it will be retained by the FBI as a record of the NCIC entry until such time as its deletion may be authorized by the National Archives and Records Administration.

I understand that this is a legally binding document reflecting my intent to have personal data entered into the FBI's Identity Theft File. I declare under penalty of perjury that the foregoing is true and correct. (See Title 28, United States Code, Section § 1746.)

_____	_____
SIGNATURE	DATE
_____	_____
PRINTED NAME	CASE NUMBER

The Privacy Act of 1974 (5 U.S.C. § 552a) requires that local, state, or federal agencies inform individuals whose Social Security number is being requested whether such disclosure is mandatory or voluntary, the basis of authority for such solicitation, and the uses which will be made of it. Accordingly, disclosure of your Social Security number is voluntary; it is being requested pursuant to 28 U.S.C. § 534 for the purposes described above. The Social Security number will be used as an identification tool; consequently, failure to provide the number may result in a reduced ability to make such identifications or provide future identity verifications.

804.02 PRO Collecting Blood Evidence.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.02 PRO – COLLECTING BLOOD EVIDENCE

This procedure was obtained directly from the Oregon State Police Physical Evidence Manual, which can also be found on-line at:

http://www.oregon.gov/OSP/FORENSICS/

Action by: *Action:*

Large quantity of liquid or moist blood:

OFFICER

1. **Saturates** several (5 to 10) sterile cotton swabs with blood;

2. **Air-dries** the swabs;

Collect a good mix of clotted cells and serum as venous blood will coagulate.

3. **Places** dried swabs in a paper container (e.g. paper envelope or bag);

4. **Seals** the paper containers securely closed using tape (DO NOT LICK THE ENVELOPE SEALS AS THIS IS A SAFETY AND CONTAMINATION HAZARD);

5. **Submits** as evidence as soon as possible.

Small quantity of liquid or moist blood:

OFFICER

1. **Collects** blood samples using sterile cotton swabs, one-by-one, concentrating the blood onto each swab;

Use as many swabs as needed until the entire stain is completely collected.

2. **Air-dries** the swabs;

3. **Places** the dried swabs in a paper container (e.g. paper envelope or bag);

4. **Seals** the paper containers securely closed using tape (DO NOT LICK THE ENVELOPE SEALS AS THIS IS A SAFETY AND CONTAMINATION HAZARD); and

5. **Submits** as evidence as soon as possible.

Dried blood:

OFFICER

1. **Submits** the item intact if possible; or

Swabbing dried blood:

2. **Moistens** a sterile cotton swab using distilled water or tap water;

3. **Shakes** the swab to remove excess water;

4. **Swabs** the stain gently with the moistened swab tip until the swab thoroughly absorbs the blood;

Continue collecting the stain until it is either completely collected or a sufficient number of swabs (at least 4-6) have been saturated.

5. **Air-dries** the swabs thoroughly;

6. **Places** the dried swabs in a paper container (e.g. paper envelope or bag);

7. **Seals** the paper containers securely closed using tape (DO NOT LICK THE ENVELOPE SEALS AS THIS IS A SAFETY AND CONTAMINATION HAZARD); and

8. **Submits** as evidence as soon as possible.

400.01 PRO Officers Daily Routine Duties.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 400.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

400.01 PRO – PATROL OFFICER'S DAILY ROUTINE DUTIES

Officers shall perform the following duties daily:

Action by: *Action:*

OFFICER shall:

1. Have all equipment in a state of operational readiness and be prepared to respond to any emergency at the beginning of briefing;
2. Attend all scheduled & assigned briefings, inspections and training sessions;
3. Be in full uniform or other attire as directed by a supervisor;
4. Be prepared for any inspection;
5. Turn on portable radio and Department-issued cell phone and be available for calls from ECSO at the conclusion of briefing;
6. Inspect patrol vehicles for equipment & operational readiness;
7. Check during the watch each day while on-duty, both at the beginning of the watch and at the end of the watch:
    a. Voice mail messages at the Department number and on issued cell phone and make appropriate follow-ups;
    b. E-mail messages and respond as required;
    c. E-schedule for trial schedules and other schedule changes and obligations through Telestaff;
8. Clean and re-supply the patrol vehicle to operational readiness for the on-coming shift; and
9. Complete all crime reports and administrative reports and file them as required prior to end of watch.
10. Promptly notify the Watch Commander of any significant or noteworthy event or investigation, as would be required for reporting requirements for the Watch Commander's Report.

386.01 PRO Court Liaison Detail.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 386.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

386.01 PRO -- COURT LIAISON DETAIL

Action by: *Action:*

OFFICER

1. **Obtains** the black briefcase marked "Court Papers" from the cabinet located below employee mailboxes outside of the Records office.

2. **Responds** to Records and **obtains** all paperwork for the DA's office.

3. **Responds** to Records and **obtains** all paperwork for JCSO, Jackson County Jail, Jackson County Corrections, JDH, MADGE, Circuit Court, and Property Control.

    a. **Distributes** into appropriate folders in the briefcase.

4. **Delivers** police reports with suspects lodged to the DA's office ***no later than 0830 hrs.***

5. **Delivers** all other paperwork to other agencies and picks up any paperwork to be delivered to Medford PD.

324.03 FRM Juvenile Custody Log.pdf

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1062.03 PRO Family Liaison Officer.pdf

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1062.03 PRO
FAMILY LIAISON OFFICER

Selection of a Family Liaison Officer (FLO) is a critical assignment. Every effort should be made to assign someone who enjoyed a close relationship with the fallen officer and his or her family. The FLO should be someone the family trusts and feels comfortable with but not someone who is so emotionally involved that they will be ineffective. This is not a decision making position. The FLO is a facilitator between the family and the agency in cooperation with the LODDRT Family Support Coordinator, making sure that the family's needs and wishes are expressed to and honored by the department. This is a long-term assignment. The FLO should continue to have close contact with the family and ensure that their needs are met for as long as the family needs the support.

Special Considerations:
Due to the importance and magnitude of this position, more than one Family Liaison Officer should be assigned. With multiple FLOs it is important that they stay in constant communication and "on the same page." It is advisable to have the primary FLO provide emotional support to the family and the secondary FLOs provide communication between the family and the agency.

When explaining benefits to the spouse, be considerate of other family members (parents, siblings, etc.) that may be in the room. Often times, spouses do not want to share their financial information with the in-laws, but are too distraught to ask them to leave. All questions and answers should be coordinated with the Benefits Coordinator and the Family Liaison Officer.

Responsibilities include, but are not limited to:

- Ensure that the needs of the family come before the wishes of the agency

- Meet with the family in a private setting as soon as possible, either at their home or at the hospital

- Discuss funeral arrangements with the family. Make them aware of what the agency offers in relation to traditional law enforcement line of duty death funerals. Ask the family if they want a police funeral. If a police funeral is chosen, brief them on the funeral procedures (including the possibility of high attendance, ceremonial procedures and honors such as the presentation of the flag, 21-gun salute, etc.) The OFBF Line of Duty Death Coordinator, Family Support Coordinator and Ceremonial Commander are incorporated in the discussion. Specific knowledge of traditions and the ability to provide necessary resources is vested with these individuals. This discussion can be highly emotional and demanding and requires a high degree of sensitivity and communication skill

- Participate in planning meetings to ensure that family wishes are met

- Apprise the family of information concerning the death and the continuing

investigation, including later preparing them for court proceedings involving anyone responsible for the officer's death

• Be a support to the family throughout the trial process. Encourage other officers, including the Chief, to attend as well

• Be constantly available to the family throughout this traumatic process

• Coordinate with Logistics to provide department vehicles to the family for transportation to and from the family's residence, to the hospital, to the funeral home and to the committal services

• Provide as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging food for the family, meeting childcare and transportation needs, etc.

• Coordinate with the Line of Duty Death Coordinator, the Ceremonial Commander and Planning Section to ensure surviving parents and siblings are afforded recognition and that proper placement is arranged for them during the funeral and procession

• Get an accurate count from the family as to how many immediate and extended family members will be attending to ensure adequate seating and transportation

• Assist with ensuring that the family home is prepared for the volume of visitors following the funeral and committal services, including food and baby-sitting needs

• Provide the family with support services both locally and nationally and ensure that the family has access to other law enforcement survivors

• Provide the family with information on available benefits with the assistance of the Agency Liaison Officer and the Family Support Coordinator. Set up a meeting within days after the funeral with the Benefits Coordinator and the family to provide forms and answer questions. Assistance with the filing of benefits is available from the nearest FBI office. (Ask the Family Support Coordinator for contact name and phone number for FBI assistance.)

• Determine from the family their wishes related to their direct interaction with the media. If the family elects to provide media access, coordinate with the Public Information Officer to assist in all media matters

• Work with the Agency Liaison Officer to ensure that one or more officers are available to stay at the family home while the family is away during long stays at the hospital, during the viewing, funeral and committal services

• After the funeral or trial has ended, continue to have frequent contact with the family. The family will let you know when you are no longer needed to call or visit. Until that time, your support and friendship is critical.

334.01 PRO Responding to Amber Alert Cases.pdf

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804.18 PRO Disposition of Decedent Property.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.18 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.18 PRO -- DISPOSITION OF DECEDENT'S PROPERTY

1. **Property of a deceased person may be released as follows:**

    a. To the executor or personal representative of the decedent's estate; or
    b. Pursuant to court order.

2. **Personal effects of insignificant monetary value may be released to a family member at the direction of the investigating officer.**

3. **Prescription medications shall be destroyed and not returned.**

601.02 FRM Intel Rpt.pdf

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601.02 FRM -- INTELLIGENCE REPORT FORM
TACTICAL INFORMATION UNIT

TIU USE ONLY

- ☐ Sensitive
- ☐ Confidential
- ☐ Restricted
- ☐ Unclassified

TIU# _____ **Page** ____ **of** _____

Received by: _____ **Date/Time Received:** _____

Crime: _____ **Location:** _____

Source Identification: _____ **Phone:**_____

Source Identification: _____ **Phone:** _____

Source Reliability:	Information Validity:	Violence Potential:
A – Reliable	1 – Confirmed	1 – Unknown
B – Usually Reliable	2 – Probable	2 – Low
C – Unreliable	3 – Doubtful	3 – High
D – Unknown	4 – Cannot Be Judged	4 – Armed

Subject: _____ **DOB:** _____ **Phone:** _____

Vehicle: _____ **Address:** _____

Associates: _____

DETAILS: _____

_____

_____

_____

_____

_____

_____

_____

400.03 PRO Major Incident Critiques.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 400.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

400.03 PRO -- MAJOR INCIDENT CRITIQUES

1. **Medford Police Department supervisors in-charge of operations at major incidents, shall conduct a critique as soon as possible after such events.**

A critique is a detailed analysis of the components of a major event involving participation by all MPD personnel who were involved in the event.

The supervisor shall facilitate such critique, coordinating schedules with other supervisors to encourage all involved MPD personnel to participate.

2. **The supervisor shall provide results of the critique to the Chief of Police within one week of the event.**

The Chief of Police or his designee may grant an extension for the critique report deadline.

The report shall be in written memorandum unless waived by the Chief of Police.

3. **The following events shall be subject to critique:**

   a. Service of high-risk search and arrest warrants;
   b. SWAT/HNT and MRT deployments;
   c. Major incidents involving activation of the Emergency Operations Center; and
   d. Other incidents as directed by the Chief of Police.

4. **<u>The critique shall accomplish the following:</u>**

    a. Identify communication, training, equipment, resources, operating procedures and policy needs and / or:
    b. Validate operational procedures, training, policy and equipment used.

5. **<u>For major events involving multiple agencies, the Chief of Police may direct participation in inter-agency critiques upon agreement with other agencies per event.</u>**

6. **<u>Critiques shall be kept confidential.</u>**

Critiques shall be maintained as confidential by all involved employees and shall not be included with any police reports or other documents. Release of any information contained in a critique shall be done only at the discretion of the Chief of Police.

804.19 PRO Disposition of Prisoner Property.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.19 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.19 PRO -- DISPOSITION OF PRISONER PROPERTY

1. **Prisoner property held for safekeeping shall be retained during the period of time the owner remains in custody in the Jackson County Jail, unless a 3rd party release has been obtained from the in custody individual.**

Upon release or transfer to another facility, a Notice to Claim Property shall be mailed to the owner at the last known address.

2. **Property may be disposed of after 15 days following release from custody.**

314.01 PRO Initiating Vehicle Pursuits.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 314.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

314.01 PRO -- INITIATING VEHICLE PURSUITS

Action by: *Action:*

OFFICER

1. **Notifies** ECSO of the following (but not limited to) upon initiating pursuit:

    a. Reason for the pursuit;
    b. Location & direction of travel;
    c. Vehicle description & license number (if possible);
    d. Speed of the fleeing vehicle;
    e. Number of known occupants;
    f. Identity of the driver and/or occupants, if known;
    g. Any information on weapons, threat of force, injuries, hostages, or other unusual hazards; and
    h. Other critical information.

2. **Broadcasts** route and demeanor of the pursuit in a timely manner.

3. **Coordinates** with other assisting units.

4. **Relinquishes** control of radio traffic to secondary unit, if possible.

5. **Concentrates** on safely operating the patrol vehicle.

6. **Re-evaluates** constantly the need to pursue.

SECONDARY OFFICER

7. **Notifies** ECSO of involvement in pursuit as secondary unit.

8. **Coordinates** with the primary pursuing unit to take over radio responsibilities, if possible.

9. **Maintains** a safe distance behind the primary unit, unless directed to assume the role of the primary unit, by the primary unit or supervisor, or unless the primary unit is unable to continue pursuit.

SUPERVISOR

10. **Monitors** the pursuit by radio and exercises supervision and control from the field, or from headquarters.

11. **Ensures** the proper radio channel is being utilized.

12. **Responds** to provide on-scene supervision.

13. **Directs** radio communications to limit the number of police vehicles involved.

14. **Directs** the pursuit is terminated, if in his opinion, it is unjustified to continue.

15. **Requests or cancels** allied agency participation in the pursuit if within the City of Medford.

16. **Authorizes** forcible stop procedures or deployment of resources for that purpose.

17. **Proceeds** to the termination point of the pursuit to provide guidance, necessary supervision and scene management.

18. **Ensures** post-pursuit equipment inspections of all involved vehicles by authorized mechanics.

19. **Completes** Pursuit Report (via electronic reporting) prior to end of watch, & forwards to the Patrol Commander along with a copy of the case report and Threshold Incident Report.

20. **Prepares** a press release or forwards details of incident to PIO.

21. **Conducts** a post-pursuit critique and submit to Division Commander within 2 weeks.

PATROL COMMANDER

22. **Reviews & approves** report.

23. **Sends** Pursuit Report electronically to Bureau Commander and the EVOC Coordinator for review.

BUREAU COMMANDER

24. **Reviews & approves** report.

25. **Sends** Pursuit Report electronically to EVOC coordinator for review.

EVOC COORDINATOR

26. **Reviews** report.

27. **Sends** Pursuit Report electronically to the Administrative Sergeant for filing.

ECSO COMMUNICATOR

28. **Facilitates** pursuit on primary channel radio frequency, or other clear channel, unless otherwise directed.

29. **Diverts** all uninvolved non-emergency radio traffic to another channel.

30. **Logs** all pursuit activities.

31. **Broadcasts** pursuit updates as well as other pertinent information, as necessary.

32. **Ensures** that a field supervisor is notified of the pursuit and is monitoring.

33. **Notifies** neighboring emergency communications centers in order to facilitate transfer of responsibility in the event the pursuit leaves the City of Medford and enters that jurisdiction.

323.02 FRM Tactical Operations Plan.pdf

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323.02 FRM -- TACTICAL OPERATIONS PLAN

CONFIDENTIAL INFORMATION

DO NOT INCLUDE PLAN IN POLICE REPORTS

Medford Police Department
411 West 8th Street
Medford, Oregon 97501

This Plan Shall Be Used For All Search Warrants And Other High-Risk Operations.

This Plan Shall Be Reviewed and Approved By The Supervisor or Commander In Charge Of The Operation, Prior To Executing This Plan.

All subjects in charge, involved and listed in this plan shall attend a briefing covering the execution of this plan.

This plan shall not be divulged to any non-law enforcement source.

MPD Case # _____

This plan has been reviewed and approved by:

Signed :_____Date:_____
Supervisor or Commander in Charge of Executing This Plan

Use for Hostage/Barricaded Person Situations

See Pages 12-13

*** Go to MPD P Drive (Under CID) TAC PLAN for additional copies of this document.**

TARGET LOCATION _____

Physical Description of Target Location: _____

_____

PLAN COMPLETED BY: _____

_____Independently verified intelligence information provided by the CI.

_____Confirmed intelligence information is consistent with other reports.

_____Checked and double-checked all numbers and identifying addresses of target location.

DATE PLAN COMPLETED: _____

TYPE OF OPERATION (Check Box)

_____ **SEARCH WARRANT (HIGH RISK)**
_____ **SEARCH WARRANT (LOW RISK)**
_____ **SWAT OPERATION**
_____ **BUY/BURN OPERATION**
_____ **CONTROLLED BUY OPERATION**
_____ **OTHER** _____ .

OBJECTIVE(S) _____
_____

CASE MANAGEMENT

CASE OFFICER _____
SUPERVISOR(S) _____
COMMANDER _____

_____ **PRE-BRIEF RAID PLAN WITH CASE OFFICER AND**

SUPERVISOR/COMMANDER COMPLETED.

Supervisor's Name _____ .

_____ SEARCH WARRANT AND AFFIDAVIT REVIEWED AND APPROVED BY SUPERVISOR/COMMANDER.

Supervisor's Name _____ .

_____ SEARCH WARRANT AND AFFIDAVIT REVIEWED AND APPROVED BY DEPUTY DISTRICT ATTORNEY.

District Attorney's Name _____.

_____ SEARCH WARRANT SIGNED BY JUDGE _____.

DE-CONFLICTION

_____ De-confliction completed by _____ .

RADIO AND EMERGENCY

OPERATIONS RADIO CHANNEL (Check Box)

_____ PRIMARY
_____ TAC 2
_____ TAC 3
_____ JCSO PRIMARY
_____ OTHER _____

NOTIFICATIONS MADE TO:

_____ MPD DISPATCH
_____ SORC
_____ OSP
_____ MERCY FLIGHTS
_____ OTHER _____

Notify MPD Dispatch of all personnel involved in executing raid plan, prior to execution of this plan.

Will Mercy Flights be staging in the area _____ yes _____ no.

NEAREST HOSPITAL
_____ RVMC
_____ PROVIDENCE
_____ OTHER _____

ASSISTING AGENCIES

_____ JACNET _____ JCSO _____ OSP _____ CPPD

STAGING LOCATION_____ .

ENTRY ASSIGNMENTS

PRIMARY ENTRY POINT _____

ORDER OF ENTRY

#1 _____ (Carries Search Warrant)
(Knock and Announce)

#2 _____

#3 _____ (Supervisor should be #3 or #4 Position)

#4 _____

#5 _____

#6 _____ (Ram or Hooligan)

#7 _____ (If Needed)

#8 _____ (If Needed)

Remember:

- **Limit Number of Vehicles going to residence.**
- **Make Sure All Entry Subjects are Lined Up and Ready to Go, Prior to Approaching Residence.**

OUTSIDE PERSONNEL (Rear/Side Cover)

_____

_____

_____

_____

SPECIAL INSTRUCTIONS FOR ENTRY TEAM

_____
_____
_____
_____ .

SPECIAL THREATS

_____ **Weapons**	_____ **Dogs**	_____ **Fortifications**
_____ **Violent History**	_____ **Escape Routes**	_____ **Booby Traps**
_____ **Surv. Cameras**	_____ **Flees Scene**	_____ **# of Suspects**

POST ENTRY ASSIGNMENTS

PRISONER SECURITY _____.

READING OF SEARCH WARRANT _____ .

MIRANDA RIGHTS _____ .

PHOTOGRAPHS _____ .
(Camera/Film)

EVIDENCE PROCESSING _____ .
(Evidence Kit)

INTERVIEWS _____ .

SEARCH _____ .

WANTS CHECKS _____ .

EQUIPMENT

All Personnel Must Carry/Wear the Following Equipment:

Weapons
Handcuffs (Preferably 2 sets)
Radio
Vest (All Personnel, to include outside Must Wear Vests)
Flashlights

BRIEFING INFORMATION

____PHOTOS / VIDEO PROVIDED TO ALL OFFICERS

____ENSURES EACH OFFICER KNOWS LOCATION TO RESPOND TO & INDIVIDUAL RESPONSIBILITES.

____DETERMINES WITH EACH PARTICIPATING OFFICER HOW THEY BE CERTAIN THEY ARE IN THE CORRECT LOCATION.

STAY WITH YOUR PARTNER

EVERYONE IS HANDCUFFED

EVERYONE IS PATTED DOWN

ENSURE ALL ROOMS ARE CLEARED

CONSENT ON SUBJECTS/VEHICLES NOT LISTED IN WARRANT

ALL SUBJECTS PLACED IN ONE ROOM

CHECK CUSHIONS OF COUCHES OR CHAIRS BEFORE SUSP. SITS

READ WARRANT TO ALL SUBJECTS

MIRANDA RIGHTS

NO TALKING AMOUNG SUBJECTS

PHOTOGRAPH EVIDENCE WHERE FOUND PRIOR TO MOVING

____REVIEWS PLAN WITH EACH MEMBER TO ENSURE CLARITY.

SUSPECT INFORMATION

SUSPECT #1 **(Attach suspect photo to this plan)**

Name _____

DOB _____

Address _____

Home Phone _____

Employment _____

Work Phone _____

Height _____ **Weight** _____ **Eyes** _____ **Hair** _____

SSN _____

Outstanding Warrant(s) of Arrest: _____ **Yes** _____ **No**

- **Attach Warrants to Plan – Brief Everyone on Warrant(s)**

Criminal History: _____ **Yes** _____ **No**

- **Attach Criminal History to this Plan – Brief Everyone on History**

History of Violence: _____ **Yes** _____ **No**

Describe _____ .

Corrections Client _____ **Yes** _____ **No**

Probation/Parole Officer _____ .

SPECIAL CONSIDERATIONS FOR SUSPECT #1

_____

_____

_____

SUSPECT #2 **(Attach suspect photo to this plan)**

Name _____

DOB _____

Address _____

Home Phone _____

Employment _____

Work Phone _____

Height _____ **Weight** _____ **Eyes** _____ **Hair** _____

SSN _____

Outstanding Warrant(s) of Arrest: _____ **Yes** _____ **No**

- **Attach Warrants to Plan – Brief Everyone on Warrant(s)**

Criminal History: _____ **Yes** _____ **No**

- **Attach Criminal History to this Plan – Brief Everyone on History**

History of Violence: _____ **Yes** _____ **No**

Describe _____ .

Corrections Client _____ **Yes** _____ **No**

Probation/Parole Officer _____ .

SPECIAL CONSIDERATIONS FOR SUSPECT #2

_____

_____

_____

SUSPECT #3 **(Attach suspect photo to this plan)**

Name _____

DOB _____

Address _____

Home Phone _____

Employment _____

Work Phone _____

Height _____ **Weight** _____ **Eyes** _____ **Hair** _____

SSN _____

Outstanding Warrant(s) of Arrest: _____ **Yes** _____ **No**

- **Attach Warrants to Plan – Brief Everyone on Warrant(s)**

Criminal History: _____ **Yes** _____ **No**

- **Attach Criminal History to this Plan – Brief Everyone on History**

History of Violence: _____ **Yes** _____ **No**

Describe _____ .

Corrections Client _____ **Yes** _____ **No**

Probation/Parole Officer _____ .

SPECIAL CONSIDERATIONS FOR SUSPECT #3

_____

_____

_____

BRIEF ALL OFFICERS

- **On OFFICER SAFETY (Most Important)**

- **Cross Fire**

*** Ensure all officers know what the Tac Plan is and ask all involved officers if there is any questions.**

TARGET LOCATION DIAGRAMS

OUTSIDE DRAWING OF RESIDENCE **(Include Streets)**

INSIDE DRAWING OF RESIDENCE

HOSTAGE & BARRICADED PERSON SITUATIONS CHECKLIST

_____ **Attempt to Avoid Confrontation in Favor of Controlling and Containing the Situation until the Arrival of Trained Tactical And/or Hostage Negotiation Personnel.**

_____ **Notify Tactical and Hostage Negotiation Personnel.**

Time Notified _____. Notified by _____.

_____ **Ensure Interaction Between Tactical and Hostage Negotiation Personnel and Responsibilities of Each.**

_____ **Notify Appropriate Persons Within and Outside the Involved Agencies, such as Command Officers, Dog Handlers, or Helicopter Pilots.**

_____ **Ensure Clear Line of Communications Between All Involved Agencies.**

_____ **Establish an Inner and Outer Perimeter.**

_____ **Evacuate all Bystanders.**

_____ **Evacuate all Injured Persons.**

_____ **Establish a Central Command Post.**

_____ **Notify Chain of Command Personnel.**

Time Notified _____. Notified by _____.

_____ **Request Ambulance, Rescue, Fire and Surveillance Equipment.**

Hostage and Barricaded Person Situations Checklist (Con't)

_____ **Notify Press Information Officer (PIO) for News Media Access And News Media Policy.**

_____ **Authorize Appropriate Use of Force and Chemical Agents.**

_____ **Utilize Trained Negotiation Personnel.**

_____ **Utilize Command Staff.**

_____ **Utilize Pursuit and/or Surveillance Vehicles.**

_____ **Control Routes of Travel.**

_____ **Complete After-Action Report and Debriefing.**

312.03 PRO Police Firearms Range Procedures.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 312.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

312.03 PRO -- POLICE FIREARMS RANGE PROCEDURES

Action by: *Action:*

RANGEMASTER

1. **Supervises** all authorized firearms training at all times at the range.

OFFICER

2. **Wears** approved safety eyewear, hearing protection, and ballistic vest.
3. **Refrains** from engaging in horseplay, disruptive or distracting activities.
4. **Obeys** all commands and instructions given by the Range Master.
5. **Maintains** an attentive demeanor to the Range Master at all times.
6. **Loads and unloads** firearms in a safe manner upon command.
7. **Does not discharge** the firearm until instructed to do so.
8. At the conclusion of shooting activities, shall:
    a. **Assist** in replacing and storing all targets and range equipment at the direction of the Range Master.
    b. **Thoroughly cleans** hands and shoes prior to leaving the premises; and
    c. **Refrains** from eating or drinking anything until off-premises and until thoroughly cleaning hands.

Supervisors Incident Report Form EFILL AND PRINT.pdf

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Human Resources Department
Risk Management Division

TELEPHONE (541) 774-2039
FAX (541) 618-1703

SUPERVISOR'S INCIDENT REPORT AND ANALYSIS

***INSTRUCTIONS*: TO CHECK A CHECKBOX ON THIS E-FORM, PRESS SPACE BAR OR DOUBLE CLICK ON BOX.**
Supervisor to complete this form after gathering information/reviewing incident with the employee.
Forward this form with any attachments to Risk Management within 2 business days of knowledge of incident.
If an 801 is required, the 801 MUST be expedited and sent to Risk Management immediately.

Employee: _____ Supervisor: _____

Job Title (Classification): _____ Department/Division: _____

Date of incident: ___/___/___ Time of incident: ___:___ am☐ pm☐

Date reported: ___/___/___ Time reported: ___:___ am☐ pm☐

Employment Status: ☐ Full Time ☐ Part Time ☐ Seasonal

Incident Location Address: _____

Witness(es) or knowledge of: _____

TYPE OF ACCIDENT/INCIDENT (Please check all that apply):

☐ Injury with Medical Attention* ☐ Fatality* ***FILE 801 REQUIRED IMMEDIATELY**	☐ Injury – No Medical Attention ☐ Near-Miss Incident ☐ Property Damage (not vehicle) ☐ Injury – Non-Employee ☐ Incident – Non-Employee	☐ Vehicle Crash – City Driver Involved ☐ Vehicle Crash – Non-City Driver Involved ** ☐ Vehicle Crash – City Property Damage ☐ Vehicle Crash – Private Property Damage ** ****ATTACH POLICE CRASH REPORT** **CASE #:**_____ ☐ Vehicle Crash – CITY ONLY DRIVERS and CITY ONLY PROPERTY DAMAGE (Police not involved, Supervisor Analysis Only)

OSHA REQUIREMENTS: On-the-job fatalities and catastrophes must be reported to Oregon OSHA within 8 hours.
Report any accident that results in overnight hospitalization within 24 hours to Oregon OSHA.
Call 800-922-2689, 503-378-3272, or Oregon Emergency Response, 800-452-0311, on nights and weekends.

Provide a brief description of the accident/incident with sufficient detail so that someone outside your workgroup can understand what happened (include pictures or drawings to illustrate what happened, if applicable).

☐ Photos or Diagram Attached

SUPERVISOR'S INCIDENT REPORT AND ANALYSIS

PART OF BODY AFFECTED

Head/Neck	LEFT SIDE	RIGHT SIDE
☐ Scalp	☐	☐
☐ Neck	☐	☐
☐ Ear	☐	☐
☐ Eye	☐	☐
☐ Mouth	☐	☐
☐ Teeth	☐	☐
☐ Face	☐	☐
Upper Extremities		
☐ Shoulder	☐	☐
☐ Upper Arm	☐	☐
☐ Elbow	☐	☐
☐ Forearm	☐	☐
☐ Wrist	☐	☐
☐ Hand	☐	☐
☐ Fingers	☐	☐
Lower Extremities		
☐ Thigh	☐	☐
☐ Lower Leg	☐	☐
☐ Knee	☐	☐
☐ Ankle	☐	☐
☐ Foot/Toes	☐	☐
Trunk		
☐ Upper Back	☐	☐
☐ Lower Back	☐	☐
☐ Chest	☐	☐
☐ Abdomen	☐	☐
☐ Hip	☐	☐
☐ Groin	☐	☐

Other

☐ Digestive System
☐ Respiratory System
☐ Skin
☐ Other: _____

NATURE OF ILLNESS / INJURY / EXPOSURE

☐ Strain/Sprain ☐ Cut/Abrasion ☐ Foreign Body
☐ Pain ☐ Stiffness ☐ Swelling
☐ Bruise ☐ Burn ☐ Skin Rash
☐ Jammed Appendage ☐ Fracture/Dislocation ☐ Amputation
☐ Difficulty Breathing
☐ Seizure ☐ Electric Shock ☐ Cardiac Arrest
☐ Bloodborne Exposure ☐ Exposure–Body Fluid ☐ Exposure–Airborne
☐ Hearing Loss ☐ Occupational Illness ☐ Mental Health
☐ Other_____

WORK ACTIVITY AT TIME OF INCIDENT

☐ Regular Work Duties ☐ Training ☐ Police Duties
☐ Firefighting ☐ Medical Call ☐ HazMat Emergency
☐ Other: _____

TYPE OF INCIDENT

☐ Vehicle Collision ☐ Fall ☐ Puncture
☐ Exposure to Poison Oak ☐ Insect Bite/Sting ☐ Repetitive Motion
☐ Lifting / Carrying ☐ Struck By/Against ☐ Caught In/Under
☐ Overexertion ☐ Body Reaction ☐ Chemical Exposure
☐ Temperature Extreme ☐ Potentially Infectious Contact
☐ Other:_____

CONTRIBUTING FACTORS

☐ Defective Tools/Equipment ☐ Poor Housekeeping
☐ Tool/Equipment Broke ☐ Faulty Floor/Surface
☐ None ☐ Weather:_____
☐ Other:_____

SAFETY EQUIPMENT IN USE

☐ Latex Gloves ☐ Safety Boots/Shoes ☐ Safety Chaps
☐ Leather Work Gloves ☐ Safety Glasses/Goggles ☐ Hearing Protection
☐ Other Work Gloves ☐ Face Shield ☐ Back Belt
☐ Seat Belt ☐ Hard Hat
☐ Retroreflective Clothing

☐ EMS Glasses/Goggles ☐ EMS Gown ☐ EMS Respirator
☐ SCBA ☐ SCBA Hood

☐ Fire Gloves ☐ Fire Structural Coat ☐ Fire Wildland Shirt
☐ Fire Boots/Shoes ☐ Fire Structural Pants ☐ Fire Wildland Pants
☐ Fire Face Shield ☐ Fire Structural Helmet ☐ Fire Wildland Helmet
☐ Other:_____

TREATMENT	WORK STATUS FOLLOWING INCIDENT
☐ Reporting Only ☐ First-Aid Only ☐ Sought Medical Treatment ☐ Hospitalized	**CHECK ALL THAT APPLY** ☐ **Did NOT finish shift on date of injury** ☐ Not Returned to Work ☐ Returned to Modified Duty Date Returned:_____ ☐ Returned to Full Duty Date Returned:_____

SUPERVISOR'S INCIDENT REPORT AND ANALYSIS

Is the Hazard sufficiently controlled to prevent further injury?	☐ Yes	☐ No	☐ N/A
Was first-aid provided to ensure well-being of injured employee?	☐ Yes	☐ No	☐ N/A
Is the scene secured to protect clues for analysis purposes?	☐ Yes	☐ No	☐ N/A

Incident Debriefing Questions

1. What was the main objective for the work activity happening at the time of the incident?

2. What equipment/vehicle was involved?

3. Please list all employees on assignment for this job/activity.

4. Please list all non-employees involved, along with their contact information, if applicable.

5. What happened, what malfunctioned, and/or what went wrong that led to the incident?

6. Was equipment being used in a manner other than what it was intended or designed for? ☐ Yes ☐ No
   If yes, please explain.

SUPERVISOR'S INCIDENT REPORT AND ANALYSIS

7. Was Personal Protective Equipment (PPE) / Safety Equipment in Use a factor in the incident? ☐ Yes ☐ No
   a. If yes to question 7, was PPE being used and in good working condition? ☐ Yes ☐ No ☐ N/A
   b. If yes to question 7, was PPE adequate for the job being done? ☐ Yes ☐ No ☐ N/A

   If no for either a or b above, please explain.

8. Might there be another way to perform the task that would help prevent a similar occurrence? ☐ Yes ☐ No

   If yes, please explain.

9. Could additional training help prevent a similar occurrence? ☐ Yes ☐ No

   If yes, please explain.

10. Were all applicable policies and procedures being followed at the time of incident? ☐ Yes ☐ No ☐ Unknown

    If no, please explain.

    Might a procedure need to be changed or added in light of the incident? ☐ Yes ☐ No

    If yes, please explain.

    Is there an engineering solution / a way to engineer a fix to the problem? ☐ Yes ☐ No

    If yes, please explain.

SUPERVISOR'S INCIDENT REPORT AND ANALYSIS

Please describe how the issues listed in this report will be addressed, AND, when applicable, please describe what actions have been or will be taken to correct these issues with completion date.	Person Assigned:	Completion Date:

Employee:	Printed Name	Signature	Date
Supervisor:	Printed Name	Signature	Date
Department Head:	Printed Name	Signature	Date

Risk Management & Safety Committee Notes:

Department Safety Committee

Review Date:_____ Signature Department Committee Chair: _____

Observations/Questions/Follow-up:

City-Wide Safety Committee

Review Date:_____ Signature City-Wide Committee Chair: _____

Observations/Questions/Follow-up:

Follow-up Completed Date: _____

Signature of Risk Manager: _____

All originals to Risk Management within 2 business days.

502.01 PRO Responding to Fatal MVA.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 502.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

502.01 PRO -- RESPONDING TO FATAL TRAFFIC ACCIDENTS

Action by: *Action:*

OFFICER

1. **Promptly responds** to report of serious injury or fatal accident.
2. **Secures** the accident scene to prevent additional accidents.
    a. **Requests** additional units to assist.
3. **Checks** for injuries.
    a. **Renders** first aid, or
    b. **Summons** EMS.
4. **Takes** action to render the scene safe.
        1. **Requests** the Fire Dept. for fire hazard or flammables spillage.
        2. **Requests** QRT for spillage or hazardous materials.
5. **Secures** physical evidence.
    a. **Avoids** moving physical evidence, if possible.
    b. **Secures** scene with crime tape.
6. **Contacts** Traffic Team Supervisor ASAP to summon Traffic Team investigators.
7. **Photographs** scene ASAP.
8. **Maintains** scene security until released by Traffic Team members.

a. **Removes** all non-essential persons from the scene.

TRAFFIC TEAM INVESTIGATOR

9. **Receives** call for fatal investigation.

10. **Contacts** CIS Supervisor for possible Detective call-out (if a fatality involved).

11. **Determines** if the Serious Traffic Accident Reconstruction Team needs to be called out (pursuant to the Cooperative Policing Agreement).

12. **Assigns** one officer to obtain the Collision Reconstruction Kit, located in the locker inside the motor shed.

13. **Ensures** the scene has been secured.

    a. **Removes** all non-essential personnel from the scene.

14. **Contacts** the initial responding officer.

    a. **Determines** if photographs were taken.

15. **Assigns** one team member to be case agent.

16. **Summons** Public Works to:

    a. **Assists** with traffic control
    b. **Obtains** additional equipment (i.e., light trailer / generator for nighttime collisions).

17. **Requests** a DRE respond if criminal charges are pending.

18. **Separates** drivers, and vehicle occupants to preserve their statements.

    a. **Transports** witnesses to Medford PD for interview if necessary.

19. **Assigns** an officer to stay with any parties taken to the hospital.

20. **Obtains** general statements from drivers, and witnesses.

21. **Contacts** on-call deputy DA in the event of pending prosecution.

22. **Informs** WC for PIO purposes.

23. **Assigns** an officer to make next of kin notifications.

24. **Photographs** scene:

    a. Without evidence markers;
    b. Second set of photos with evidence markers;
    c. **Contacts** Medford Fire Department to respond with aerial equipment for overhead photography; and
    d. **Photographs**:
        1. All 4 sides of each involved vehicle.
        2. Vehicle interiors: bodies, personal items, liquor bottles, pill vials, dash assembly, turn signal, gear shift position, positions of seat, wheel, mirror, switches, hair, etc.
        3. Temporary street features in relation to other objects: debris, personal items, car parts, blood, oil, anti-freeze, skidmarks.

25. **Marks** evidence with spray paint.

    a. **Marks** RP with a PK nail for future reference.

26. **Measures** scene for scale diagram.

    a. **May summon** OSP with Total Station measuring device for scale diagrams.

27. **Seizes** all involved vehicles as evidence, using slideback tow trucks, only.

    a. **Secures** vehicles at Property Control. (If weather is bad, utilize the indoor vehicle bay).

28. **Seizes** remaining physical evidence and secures at Property Control.

29. **Secures** property of value belonging to involved parties in evidence at Property Control for safekeeping or releases to tow truck operator in towed vehicle.

30. **Completes** reports:

    a. Oregon Police Crash Reports;
    b. Fatal teletype to DMV within 24 hours; and
    c. OLCC alcohol crash form (if appropriate).

31. **Collaborates** with deputy DA and assigned CIS personnel to compile information to prepare for court.

32. **Completes** follow-up investigation as any other criminal investigation as needed.

    a. **Obtains** taped witness statements.
    b. **Obtains** additional measurements
    c. **Completes** scale diagram.
    d. **Obtains** assistance from Crime Lab.

502.03 PRO Responding to Railroad Crossing Collisions.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 502.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

502.04 PRO -- RAILROAD CROSSING COLLISION INVESTIGATIONS

Action by: *Action:*

OFFICER

1. **Promptly responds** to the crash site.

2. **Contacts** Watch Commander or other supervisor.

3. **Establishes** a command post.

4. **Calls** railroad dispatcher (541-673-6458) to:

    a. **Confirm** train crew and other trains are aware of collision; and
    b. **Obtain** any HAZMAT info regarding cargo.

5. **Contacts** QRT if needed for traffic control around closed rail crossings.

6. **Contacts** Serious Traffic Accident Reconstruction Team (as determined by supervisor).

7. **Contacts** Public Works supervisor for extensive traffic detours.

8. **Contacts** ODOT Rail Crossing Safety Manager (503-986-4230).

    a. **Contacts** Federal Rail Administration (if involving a fatality).

9. **Investigates** grade crossing to identify, examine, and record the number, type, condition, and location of warning devices, which include the following:

    a. Crossbucks
    b. Stop signs
    c. Flashing lights
    d. Swinging lights

e. Highway signs
f. Painted symbols on the pavement
g. Crossing gates and any lights mounted on top of them
h. Warning bells
i. Any other devices installed by the City or the railroad

10. **Interviews** train crew to determine:

a. Weight of train (if available)
b. Distance traveled after collision
c. Speed of train
d. Job title & responsibilities of each person of crew

11. **Completes** report including the following information:

a. ODOT crossing number posted trackside (ex. C441.4)
b. Company name & number of each locomotive on the train (ex. CORP 3825) found on each side of the cab.
c. Type(s) of railcar(s) struck or derailed in the collision, their position in the train, any damages and their reporting marks (found on the sides and ends of each car, ex. NAHX 125662).
d. Total number of cars in train.
e. Inquire if there is an event recorder in the locomotives (preserve for federal investigators).
f. Identify a railroad manager / liaison for follow-up investigation and information.

REFERENCES

Local railroad companies:

- Central Oregon and Pacific RR
- 24 E. McAndrews Road, Medford 97501
- (541) 857-9670 local office
- (541) 673-6458 Train dispatcher / main office
- WCTU (White City Terminal Utiility RR
- 2095 Avenue F, White City
- (541) 826-2631

HAZMAT potential:

- Locomotives carry up to 4000 gallons of fuel
- Any type of rail car can contain hazardous materials – particular attention should be given to tank cars and hopper cars. When required, placards will be located on both sides and both ends of a railcar.
- If a HAZMAT spill is suspected request the Fire Department respond immediately. (Refer to HAZMAT guidebook for appropriate actions.) Note the railcar type, reporting marks and car capacity listed on each side of the railcar and provide info to ECSO and the incident commander.
- Any railcar emitting a high-pressure leaking sound should be considered an immediate and extreme hazard. All persons should be notified and evacuated from the area.

Related ORS's:

- 811.455 Failure to stop for railroad signal
- 811.460 Failure to follow rail crossing procedures for high risk vehicles
- 811.462 Failure of operator of commercial motor vehicle to slow down and check tracks
- 811.465 Exemptions from high-risk vehicle rail crossing procedures
- 811.470 Improper movement of heavy equipment across rail crossing
- 811.475 Obstructing rail crossing
- 811.555 Illegal standing, stopping or parking (811.550 (11) & (21)).

401.04 FRM Abandoned Tow Letter 2.pdf

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CITY OF MEDFORD
411 W. 8TH ST
MEDFORD, OR 97501

Medford Police Department
Code Enforcement Division
411 W. 8th St.
Medford, OR 97501

PHONE: (541) 774-2016
Web Page: police@ci.medford.or.us

Subject: Unlawfully Stored or Abandoned Vehicle

Dear Registered Owner of Vehicle,

Recently, the Medford Police Department Code Enforcement Division received a complaint about an unlawfully stored or abandoned vehicle at _____. Upon inspection of the vehicle it appears to be in violation of Oregon Revised Statute 819.100 as well as Medford Municipal Codes 5.505 and/or 6.345.

The vehicle is described as:
_____(Year) _____(Color) _____(Make) _____(Model) _____(Plate).
The Department of Motor Vehicles shows this vehicle is registered to you.

ORS 819.100 "Abandoning a Vehicle" states no person may abandon a vehicle upon a highway or upon any public or private property. MMC 5.505 "Unlawful Storage of Vehicles" states no person shall store or permit to be stored a neglected or discarded vehicle upon private or public property within the city for more than five consecutive days. MMC 6.345 "Storing Vehicles or Objects on Streets" states no person owning or controlling any vehicle or any object shall cause or permit it to be stored within the roadway of any street.

The Medford Municipal Code and Oregon law authorizes abatement, which means the vehicle may be towed and citations issued without advance notice.

If the listed vehicle is not moved from the location it may be towed and a citation may be issued to the registered owner. Your cooperation in remedying this matter is greatly appreciated. If you have any questions regarding this matter please contact the Code Enforcement Division at (541) 774-2016.

Sincerely,

Medford Police Department

804.20 PRO Disposition of Found Property.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.20 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.20 PRO -- DISPOSITION OF FOUND PROPERTY

1. **Found property shall be returned to its rightful owner as soon as possible, or dispositioned per ORS 98.245 after 30 days.**

2. **Found property with a known owner shall be retained for a minimum of 90 days following the mailing of a Notice to Claim Property has been sent.**

360.01 PRO Responding to Death Investigations.pdf

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804.04 PRO Collecting Semen Evidence.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.04 PRO – COLLECTING SEMEN EVIDENCE

When the perpetrator of a sexual offense is a male, semen stains may be found on the victim as well as on clothing, bedding, towels, upholstery and other objects.

Action by: *Action:*

OFFICER

1. **Recovers** carefully all suspected stained material, packaging separately and carefully to prevent loss of any trace evidence that may be present;

2. **Air-dries** all damp stains (consider marking the location of a damp stain on the evidence itself, as it may not be visible when dry);

3. **Spreads** clean paper under the item, and in between items to catch any debris, which may be dislodged during the drying process, and to prevent cross-contamination;

4. **Packages** each item separately in paper bags or envelopes, along with any paper used; and

5. **Submits** to evidence as soon as possible.

312.06 PRO Secondary Weapon Qualification Course.pdf

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362.03 FRM Identity Theft Report.pdf

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CITY OF MEDFORD
411 W. 8TH ST
MEDFORD, OR 97501

Medford Police Dept.

PHONE: (541) 774-2200
Web Page: police@ci.medford.or.us

Your Department – Our Community

362.02 REF Action Steps--ID Theft.pdf

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ACTION STEPS FOR IDENTITY THEFT VICTIMS

- Keep a log of all contacts.
- Immediately contact the creditors who approved the credit by phone and in writing (via certified letter), to inform them of the problem.
- File a police report.
- Call your nearest U.S. Postal Inspection Service office.
- Contact the Federal Trade Commission to report the problem 1-877-438-4338
- Contact the Social Security Administration's Fraud Hotline 1-800-269-0271.
- Contact the fraud department of the major credit bureaus:
    1. **Equifax**
       P.O. Box 740241
       Atlanta, GA 30374-0241
       Fraud Alert (888) 766-0008
       Order Report (800) 685-1111
       www.equifax.com

    2. **Experian**
       475 Anton Blvd
       Costa Mesa, Ca 92626
       Fraud #(888) 397-3742
       Order Report #(888) 397-3742
       www.experian.com

    3. **Trans Union Corporation**
       P.O. Box 6790
       Fullerton, CA 92634
       Fraud #(800) 680-7289
       Order Report #(800) 916-8800
       www.tuc.com
- Call each of the three credit bureaus' fraud units to report identity theft. Ask to have a "Fraud Alert/Victim Impact" statement placed in your credit file asking that creditors call you before opening any new accounts.
- Be prepared to complete affidavits of forgery to establish your innocence for banks, credit grantors, and recipients of stolen checks. These institutions are joint victims with you and may suffer financial loss.
- Alert your banks to flag your accounts and contact you to confirm any unusual activity. Request a change of PIN and a new password.
- Contact the state office of the Department of Motor Vehicles to see if another license was issued in your name. If so, request a new license number and fill out the DMV's complaint form to begin the fraud investigation process.
- Request a copy of your credit report from each major credit bureau and check for signs of fraudulent activity.
- You'll want to check your credit report annually for errors. Keep copies of –
    1. your correspondence
    2. records of your telephone calls, and
    3. other documents showing your efforts to correct the problem.

500.01 PRO Receiving Citizen Traffic Complaints.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 500.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

500.01 PRO -- RECEIVING CITIZEN'S TRAFFIC COMPLAINTS

Action by: *Action:*

RECORDS SPECIALIST

1. **Contacts** citizen requesting to make a traffic complaint at the MPD Records counter.

2. **Presents** a copy of a Citizen Traffic Complaint Form to the citizen.

3. **Refers** the citizen to an officer via ECSO only if the citizen has any questions related to traffic issues.

4. **Receives** the completed Citizen's Traffic Complaint Form from the citizen and witnesses the citizen sign the Sworn Statement on the Citizen Traffic Complaint Form.

5. **Obtains** a case number from ECSO and **enters** it onto the completed form.

6. **Advises** the citizen of the case number.

7. **Enters** report information into ARS.

8. **Distributes** the completed Citizen Traffic Complaint form as follows:

    a. Images the original form, signed by the citizen, along with the vehicle registration printout and any appropriate driving records in the imaging system.
    b. Places original form, along with vehicle registration printout and any appropriate driving records a plastic folder in the report tray for the Traffic Team sergeant to approve OR
    c. Original form to Tactical Information Unit if Records was unable to obtain a DMV photograph on the registered owner.

TACTICAL INFORMATION SPECIALIST

9. **Obtains** a DMV photograph of the registered owner and attaches to the case; and

10. **Forwards** the report to Traffic Team Sergeant.

TRAFFIC TEAM SUPERVISOR

11. **Reviews** the case to determine if a traffic violation has occurred and if there is sufficient evidence to issue a citation.

12. **Assigns** the case to a Traffic Team officer to issue a citation to the violator.

13. **Forwards** the original Citizen Traffic Complaint form to the assigned Traffic Team officer.

IF NO VIOLATION FOUND:

14. **Contacts** complainant and discusses reason for no violation.

15. **Completes** appropriate box on page three of the Citizen Traffic Complaint.

16. **Forwards** original Citizen Traffic Complaint form to Records Division.

TRAFFIC TEAM OFFICER

17. **Determines** identify of the suspect driver and issues a citation for the violation witnessed by the citizen.

18. **Contacts** the citizen reporting party to advise the case status and witness complainant's signature on citation.

19. **Advises** the citizen reporting party of their responsibility and follow-up procedures

20. **Completes** appropriate box on page three of the Citizen Traffic Complaint Form.

21. **Forwards** original Citizen Traffic Complaint form along with citation to the Records Division.

RECORDS SPECIALIST.

22. **Enters** the citation information into RMS.

23. **Closes** the Incident Report in RMS.

24. **Images** a copy of the citation and the completed Citizen Traffic Complaint form into Imaging system.

25. **Distributes** original citation and copy of completed Citizen Traffic Complaint to Municipal Court.

600.05 PRO Obtaining Search Warrants.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.05 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.05 PRO -- OBTAINING SEARCH WARRANTS

Action by: *Action:*

The following procedures involve situations where forced entry or potential forced entry exists. Search warrants for blood of an inmate or at a bank for bank records or similar cases may not be subject to these procedures. A supervisor shall review all search warrants prior to service.

OFFICER

1. **Develops** probable cause to search a place or thing for evidence of a crime.

2. **Seeks** a search warrant unless the officer can articulate one or more exceptions for search warrants.

3. **Completes** an affidavit in support of the search warrant and submits it to a supervisor for review.

If using a confidential reliable informant (CRI), the following must be included in the affidavit:

   a. The reason why the CRI is providing the information must be articulated in the affidavit.
   b. The number of convictions involving fraud or deception for the CRI must be listed.
   c. Indicate that the CRI is aware that it is a crime to cause a search warrant to be issued maliciously and without probable cause, and that the CRI will be prosecuted if the information is determined to be false.

4. **Submits** the affidavit to a deputy DA for review.

5. **Submits** the affidavit and warrant to a judge for review and sworn signatures upon receiving DA's approval.

a. Presents two copies of the search warrant and one copy of the affidavit to the judge.

b. Submits a map of the location, along with an outline of directions to the location, as required by the judge. (It must be listed as an exhibit and attached to the warrants and affidavit.)

6. **Serves** the search warrant within 5 days of issuance, unless extended.

   a. May break open any outer or inner door or window of a premise to execute a search warrant if, after notice of their authority and purpose, they are refused admittance.

   b. May force entry if officer safety concerns eliminate the knock and notice requirement, if so granted by a judge issuing the warrant.

7. **Serves** the search warrant between 0700 hrs and 2200 hrs, unless endorsed for night service.

Only sworn MPD personnel shall serve a search warrant.

Other law enforcement and District Attorney's personnel may assist once the scene is safe and secure.

All search warrant service teams shall include a supervisor and a uniformed officer conspicuously placed upon entry.

8. **Files** a Search Warrant Return with the court upon completion of service, along with original search warrant and affidavit.

   a. A Search Warrant Return shall have attached a complete, detailed list of the seized property.

9. **Returns** the search warrant to the court within 5 days of issuance if it is not served.

10. **Documents** all activities involving search warrants on the appropriate case reports.

COURT

11. **Dispositions** all property seized pursuant to a search warrant.

804.08 PRO Forensic Latent Print Exams.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.08 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.08 PRO – FORENSIC LATENT PRINT EXAMINATIONS

1. **Only qualified latent print examiners shall conduct identifications of latent prints.**

Identification occurs following comparison examination of an unknown friction ridge impression containing sufficient quality and quantity of ridge detail, to a known friction ridge impression, in agreement to the degree that the examiner forms the opinion that both prints originated from the same source

2. **Latent print comparisons and identifications shall be conducted pursuant to contemporary standards and policies of the Oregon State Police Crime Laboratory, Central Point District.**

3. **A second qualified examiner shall verify positive identifications of latent prints.**

4. **An erroneous identification of a suspect by a latent print examiner shall result in a comprehensive review to determine why the error occurred.**

A missed identification is the failure to identify a latent print as having been made by the same person when, in fact, both impressions are from the same source. This shall not be considered an erroneous identification.

5. **A Forensic Technician shall notify his supervisor immediately upon discovery of a discrepancy in the final conclusion of analytical procedures.**

Discrepancies include erroneous identifications.

6. **Latent print examiners employed by Medford PD may conduct technical reviews of cases by qualified examiners from the Jackson County Sheriff's Office.**

601.05 FRM Public Info Req.pdf

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804.09 FRM Admin Case Review Form.pdf

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ADMINISTRATIVE CASE REVIEW

MPD CASE NUMBER: _____ **Forensic Technician: _____**

REQUEST FOR SERVICE			
Field Investigation		**Non-Field Work**	
	Crime Scene Processing		Latent Prints
	Vehicle Processing		Footwear and Tire Impressions
	Evidence Documentation / Collection		Biological Evidence Collection
	Other:		Evidence Documentation / Collection
			Other:

NOTES	
Administrative	
	Organized, legible, and complete
	Case number, page numbered, dated, and initialed
	Corrections and strikeouts initialed (when applicable)
Evidence	
	Collected / generated evidence items recorded
	Field Investigation notes recorded
	Fingerprint Examination Worksheet completed (when applicable)
Conclusions	
	Observations / results / conclusions recorded

REPORT	
Administrative	
	Case number correct
	Report header information complete (investigator, victim, suspect, etc.)
	Organized, legible, and complete
	Report proofread
Evidence	
	Where and how obtained reported
	Item numbers and descriptions reported
Conclusions	
	Observations / results / conclusions reported

Supervisor Notes:

_____

_____

_____

Initials: _____ Date: _____

REPORT DISTRIBUTION	
	Report scanned and uploaded into electronic case file (document imaging)
	E-mail notification of imaged forensic report sent to investigator
	Digital Photographs uploaded into electronic case file (when applicable)

Initials: _____ Date: _____

807.09 FRM
102213

600.08 FRM Search Wt Return.pdf

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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

SEARCH WARRANT RETURN

On ____ ***(date)*** ___ at __ ***(time)*** ___ I, ___ ***(officer)*** _____ served attached search warrant at ____ ***(location)*** _____. The following items were seized pursuant to the search warrant: ***(describe items in detail)***

/s/_____ ***(officer)*** _____

Date _____

312.01 PRO Issuing Firearms to Officers.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 312.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

312.01 PRO -- ISSUING FIREARMS TO POLICE OFFICERS

Action by: *Action:*

OFFICER

1. **Requests** supervisor for issue of firearm.

SUPERVISOR

2. **Approves** the request.

3. **Directs** the officer to contact a Department Armorer.

ARMORER

4. **Obtains** a firearm from the armory upon receiving the officer's supervisor's approval.

5. **Records** the serial number of firearm in weapon history record for issue to the officer.

6. **Delivers** the weapon to the officer.

OFFICER

7. **Returns** any defective firearm to the Armorer on exchange for the new issue.

8. **Responds** immediately to the range as soon as possible to qualify with the firearm under direction of a certified firearms instructor.

FIREARMS INSTRUCTOR

9. **Completes** the Firearms Qualification form with firearm & ammunition information.

10. **Delivers** the Firearms Qualification Form to the Chief of Police for signature.

OFFICER

11. **Carries** the firearm on-duty upon receiving written approval from the Chief of Police.

312.06 PRO ShotgunQualification Course.pdf

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324.05 FRM Parent Notification Letter (Spanish).pdf

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316.01 PRO Responding to Robbery Alarms.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 316.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

316.01 PRO -- RESPONDING TO ROBBERY ALARMS

Action by: *Action:*

OFFICER

1. **Responds** promptly to the area along with a second unit.

    a. If a responsible party prior to officers' arrival cancels the alarm, the situation shall be investigated without delay.

2. **Terminates** overhead lights and siren several blocks away, if those are utilized.

3. **Communicates** and coordinates with other units to set up a visual perimeter.

    a. **Calls** for additional units if needed to accomplish securing the perimeter.

4. **Takes** a tactical position of cover and concealment while maintaining visual security of the perimeter.

5. **Makes** entry into the building when it has been determined safe to do so.

6. **Requests** a clear radio frequency (code 33).

7. **Observes** the location for suspicious activity.

8. **Requests** ECSO to make a phone call to the location to request a responsible party to exit the location, if observing no suspicious activity,

9. **Obtains** a physical description of the responding person and from which location they will exit and makes contact.

10. **Obtains** clearance information and initiates investigation.

11. **Broadcasts** a “code 4” when appropriate and requests ECSO to terminate “code 33.”

12. **Secures** crime scene if a crime has occurred and promptly communicates suspect & vehicle information.

    a. **Notifies** Watch Commander as soon as possible
    b. **Considers** use of a K-9 unit.
    c. **Notifies** FBI if crime involves a bank or savings & loan.

804.15 FRM Firearm Return Affidavit.pdf

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325.01 FRM Interview Room Log.pdf

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601.04 FRM Off Info Req.pdf

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600.11 PRO Investigating Check Cases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.11 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.11 PRO -- INVESTIGATING CHECK CASES

Action by: *Action:*

OFFICER

1. **Responds** to all of the following cases involving checks:
    a. All forgery and counterfeit cases;
    b. Non-sufficient funds checks (NSF) $200 or more in single transaction or aggregate amount;
    c. Account-closed checks (AC) $100 or more in single transaction or aggregate amount.

2. **Does not investigate** the following:
    a. Out of state checks, regardless of the address of the suspect;
    b. Two-party checks;
    c. Counter checks (without name & address imprint);
    d. Checks where the receiver failed to obtain and record identification information or where the receiver was unable to personally recognize the person submitting the check; and
    e. Checks turned over for prosecution after more than 60 days have lapsed following rejection by the bank.

FORGERY & COUNTERFEIT CASES

3. **Obtains** and carefully handles original check to preserve latent prints and presents a receipt to complainant.

4. **Seizes** the involved computer with a search warrant if the computer generated the fraudulent or counterfeit document.

5. **Obtains** handwriting exemplars from the suspect, using the OSP Handwriting Exemplar form.

NON-SUFFICIENT FUNDS (NSF) AND ACCOUNT CLOSED CHECKS

6. **Ensures** the merchant has given the suspect notice and has allowed the suspect 10 days to make good on the check.

7. **Generates** a letter to the suspect prior to further investigation and allows response by the suspect after a 10 days grace period, prior to any enforcement action.

8. **Obtains** date of closure and how accountholder was notified of closure.

9. **Sends** for bank records via subpoena service (if bank is within Oregon).

10. **Sends** for bank account information pursuant to ORS 192.585 (600.12 FRM).

11. **Obtains** more extensive investigative information via subpoena duces tecum process through Grand Jury (600.14 FRM).

804.16 PRO Depositing Cash Funds at Finance.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.16 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.16 PRO – DEPOSITING CASH FUNDS AT THE FINANCE DEPT.

Action by: *Action:*

PROPERTY CONTROL SPECIALIST

1. **Obtains** a sealed envelope containing cash from evidence.
2. **Transports** envelope to MPD Admin Office & presents to Administrative secretary.

ADMINISTRATIVE SECRETARY

3. **Opens** the envelope & confirms the value of the contents in presence of Property Control Specialist.
4. **Places** cash into plastic bag (provided by Finance) and seals the bag.
5. **Writes** the verified amount of contents on the outside of the bag.

PROPERTY CONTROL SPECIALIST

6. **Presents** sealed bag with monies to Finance Department.
7. **Obtains** a receipt from the Finance Dept.
8. **Attaches** receipt to case in the Evidence Management System and a copy goes to Records Division for imaging.

313.01 PRO Photo Radar Van Lock Box Procedures.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 313.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

313.01 PRO – Photo Radar Van Lock Box Procedure

Action by: *Action:*

RESERVE OFFICER

1. **Unlocks** the locking gun box by rotating the key 90 degrees.

2. **Taps** the lock end of the box forcefully with all fingertips which engages the spring loaded tray and causes it to slide out toward the rear exposing the gun and spare magazine.

3. **Ensures** the gun and spare magazine are in the lock box and are “duty ready” (magazine is engaged in handgun with one round in the chamber).

4. **Removes** the gun from the tray and places gun in department issued holster worn on their person.

5. **Removes** the spare magazine from the tray and places the magazine in a department issued magazine holder worn on their person.

6. **Removes** the gun from the holster at the end of your scheduled shift and places it in the lockbox along with the extra magazine.

MEDFORD POLICE DEPARTMENT **PROCEDURES**	Order # 313.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.14 FRM Req Subpoena Duc Tec.pdf

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600.14 FRM -- REQUEST FOR GRAND JURY SUBPOENA DUCES TECUM

REQUEST IS FOR:

___ PHONE RECORDS
- ___ long-distance calls
- ___ subscriber information
- ___ unlisted phone number
- ___ other_____

___ POWER RECORDS
- ___ power usage information
- ___ subscriber information
- ___ other

For residence located at:_____
_____

___ BANK RECORDS
- ___ all deposits
- ___ all checks written
- ___ copies of specific information:_____

_____

_____

Account Number:_____

Name of account holder:_____

Address of account holder:_____

_____

Dates information is requested for:_____through_____

Business or Agency to be subpoenaed:

Name:_____

Attn:_____

Address:_____

_____

Phone no:_____

Officer requesting info:_____Agency case no._____

Reason for request:_____

_____

_____

1042.02 PRO Exposure to Infectious Diseases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 1042.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

1042.02 PRO -- EXPOSURE TO INFECTIOUS DISEASES

Action by: *Action:*

OFFICER

1. **Washes** the exposed area with warm water & soap, or the waterless disinfectant, found in the patrol car, as quickly as possible upon sustaining an exposure.

2. **Responds** immediately to headquarters to change into a new uniform, if the exposure was sufficient to soak part of the uniform with body fluids.

    a. **Places** the uniform in a biohazard bag.

    b. **Submits** the exposed uniform to be laundered at a proper facility.

    c. **Disinfects** badges and other removable items in 10% bleach solution.

    d. **Disposes** of pens and other disposables in a biohazard container.

3. **Cleans** any body fluid spills in vehicles with 10% bleach solution.

    a. **Puts** on gloves and facemasks prior to cleaning the vehicle.

4. **Notifies** supervisor of exposure as soon as possible.

5. **Obtains** a Medical Provider's Action form for any follow-up treatment, and delivers to supervisor.

6. **Follows** directions of medical staff regarding follow-up treatment.

SUPERVISOR

7. **Completes** City of Medford form ALL/010 and 801 form.

8. **Directs** the officer to complete the employee part of the 801form.

9. **Submits** the completed forms to the Division Commander as soon as possible.

10. **Directs** the officer to respond to RVMC Asante Work Health or RVMC Emergency Department if after hours, as soon as possible.

    a. **Responds** to a medical facility no longer than 90 minutes after the exposure.

DIVISION COMMANDER

11. **Reviews** and approves completed forms.

12. **Submits** completed forms to the City Risk Manager within 24 hours.

500.02 PRO Radar Trailer Set-Up.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 500.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

500.02 PRO -- SETTING UP THE RADAR TRAILER

Action by: *Action:*

OFFICER – *SET-UP*

1. **Obtains** trailer from Property Control compound, using a towing vehicle.
2. **Connects** lights and safety chain.
3. **Checks** lights to ensure proper operation.
4. **Tows** the trailer to the assigned location.
5. **Places** the front legs in the down position by pulling each “D” ring and rotating legs 90 degrees.
6. **Disconnects** trailer from tow vehicle.
7. **Sets** up the display.
8. **Levels** the display trailer, using the legs.
9. **Unlocks** the 3 padlocks and secures them in a safe place.
10. **Swings** the display upward into a locked position, locking on the right side of the trailer.
11. **Obtains** the appropriate speed limit sign from the storage cabinet.
12. **Activates** the display at the red switch at the top of the cabinet.
13. **Checks** operation by using tuning fork located in the cabinet

Display should show 35 mph with tuning fork test.

14. **Lowers** the display by releasing the lock on the right side.

15. **Installs** the speed limit sign on top of the display using the black knobs.
16. **Swings** the display upright and **lock** into place.
17. **Installs** padlock to secure the display.
18. **Locks** the cabinet, using a padlock.
19. **Removes** the tire bar from its holder on the right side of the trailer.
20. **Inserts** through the tires and padlock into place.
21. **Sets** security alarm using the key ring.

You should hear a single chirp. If the trailer is then rocked, a security alarm will sound.

OFFICER – TAKE-DOWN

22. **Deactivates** the alarm, pushing “1” on the key ring.

You should hear 2 chirps.

23. **Unlocks** the 3 padlocks and secure in a safe place.
24. **Unlocks** display on right side and lower.
25. **Removes** the speed limit sign.
26. **Raises** the display and lock into place.
27. **Stores** the speed limit sign in the cabinet and lock into place with the black knobs.
28. **Turns** off display at the red switch and **closes** the cabinet.

29. **Lowers** display and padlock into place.

30. **Removes** the tire bar, secure in its storage and padlock.

31. **Raises** back legs by pulling the “D” ring and rotate the leg 90 degrees.

32. **Lowers** the front legs until the tongue is lower than the hitch on the towing vehicle.

33. **Connects** trailer to the towing vehicle.

34. **Connects** electrical and safety chains.

35. **Checks** taillights to ensure proper function.

36. **Returns** the trailer to the Property Control storage yard.

600.09 PRO Obtaining Telephonic Search Warrants.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.09 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.09 PRO -- OBTAINING TELEPHONIC SEARCH WARRANTS

Action by: *Action:*

OFFICER

1. **May obtain** a telephonic search warrant if exigent circumstances exist.
2. **Contacts** a judge via telephone.
3. **Tape-records** the conversation with the judge, using 2 tape recorders, if possible.
4. **Signs** the judge's name to the warrant, upon approval.
5. **Serves** the warrant.
6. **Causes** the tape to be transcribed and have a dubbed copied tape made.
7. **Presents** the transcribed search warrant and dubbed tape to the judge.
    a. The judge reads the transcribed search as he/she listens to the tape.
8. **Files** the affidavit and search warrant with the court upon approval by the judge.
9. **Files** a Return of Search Warrant with the court, which includes a detailed list of seized property.
10. **Returns** to the court within 5 days of issuance, if the search warrant was not served.

COURT

11. **Dispositions** all property seized under a search warrant.

1062.02 PRO Notification Procedure.pdf

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1062.02 PRO
NOTIFICATION PROCEDURE

Time is of the essence and the first priority is to notify the family as they should learn of the death or serious injury from the Department and not other sources. The Department WILL NOT release the name of the deceased officer before it is confirmed that the immediate family has been notified. The following procedure will be followed whenever possible:

- The Watch Commander, immediately upon learning of an officer's death or serious injury, will immediately notify the administrative chain-of-command.

- The first available administrator with access, will obtain the members Critical Incident Notification Information (1062.01 FRM)

- It shall be the responsibility of the Watch Commander to properly notify the next of kin of an officer who has suffered severe injuries or died or to designate a Notification Officer to inform survivors. Every effort will be made to appoint the Notification Officer requested by the officer on his/her critical incident notification form. If the Notification Officer requested by the officer is not available, DO NOT wait for them to become available.

- If there is knowledge of a medical problem with an immediate survivor, medical personnel should be staged near the residence to coincide with the death notification.

- Notification will be made in **person by two or more persons**. The Chief of Police or a representative, close friend, chaplain, or peer support member may accompany the Notification Officer. No delay in notification will be made should any of these parties desire to be present but are not immediately available.

- The notification party should not make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the Notification Officer should relay as much confirmed, accurate information as possible. If the family asks a question, the Notification Officer shall answer it truthfully and accurately to the best of their knowledge. Minimizing or omitting known information will only cause additional trauma to the family once they discover it, even if the intent is to protect them emotionally. The Notification Officer will use the member's name during the notification.
    - If the officer has died, relay that information. Never give the family a false sense of hope. Use direct words such as "died" and "dead" rather than "passed away" or "gone."

- If the family requests to visit the hospital, they may be transported by police vehicle. It is highly recommended that the family NOT drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car. If young children are at home, the Notification Officer will arrange for babysitting needs, if requested.

- Prior to departing for the hospital, the Notification Officer will notify the hospital staff and the Hospital Liaison by telephone that a member(s) of the family is en route.

- The deceased or severely injured officer's parents will also be afforded the courtesy of a personal notification, if possible. If immediate survivors live outside the area, the Notification Officer will ensure that the appropriate jurisdiction is notified as soon as practicable requesting a PERSONAL notification. Arrangements should be made to permit simultaneous telephone contact between the survivors and the Department once personal notification has been made.

- The Chief of Police or an executive level officer will respond to the residence or the hospital to meet with the family, as quickly as possible, unless otherwise noted on the Emergency Notification Form.

- All communications regarding notifications should be restricted to the telephone to avoid information being learned from external monitoring of radio frequencies.

- The Notification Officer shall remain with the family until relieved by the Family Liaison Officer.

312 02 FRM Firearms Qual.pdf

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312.02 FRM—FIREARMS QUALIFICATION

To: Scott Clauson, Chief of Police
From: _____
Subject: Firearm Qualification
Date: _____

I am requesting authorization to carry the below weapon as my:

_____1. Primary Duty Weapon
_____2. Off-Duty Weapon
_____3. Secondary Duty Weapon

MAKE_____**MODEL**_____**SERIAL #**_____**CAL**_____

AMMO_____

Pistol _____**Shotgun** _____ **Rifle** _____

Qualification Check-List:

_____Demonstrated ability to engage & disengage safety.
_____Demonstrated ability to safely load & unload weapon.
_____Demonstrated ability to carry weapon on his / her person safely.
_____Demonstrated ability to qualify with weapon, using dept.-approved ammunition, as outlined in Policy 312 – Firearms.

I have read Medford Police Department's Policy 312 and have a thorough understanding of it.

_____
Officer Date

This officer has demonstrated proficiency and safety skills with the above listed weapon on this date.

_____
Firearms Instructor Date

The above officer is approved to carry the listed firearm, pursuant to Department policy.

_____
Chief of Police Date

206.06 FRM Special Events Plan Template.pdf

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MEDFORD POLICE DEPARTMENT
206.06 FRM – SPECIAL EVENTS PLAN

EVENT: _____ Date: _____

LOCATION:_____

MPD ROLE: Lead agency_____ Secondary agency _____

1. Additional Agencies Involved:
2. Overall Event Commander / Agency:
3. MPD Incident Commander:
4. Event Chain of Command:
5. MPD Special Teams Involvement:
6. MPD Personnel & Incident Assignment:
7. Staffing needs (approx # of OT hours for MPD):
8. Incident Command Location:
9. Media Involvement:
10. Estimated number of people in attendance:
11. Anticipated Traffic Impact:
    - Ingress Traffic:
    - Egress Traffic:
    - Vehicle Parking Issues:
    - Emergency Vehicle Access:
12. Anticipated Crowd / Pedestrian Control Issues:
13. Anticipated Crime Problems:
14. Intelligence Info:
15. Special Weapons / Equipment Requirements:
16. Vehicle Requirements:
17. Communications:
18. Logistics Requirements:
19. First Aid / Emergency Medical System:
20. Traffic Direction Control Plan:
21. Impact to Public Transportation:
22. Traffic Contingency Plan:
23. Provisions for mass arrests:
    - Arrest teams:
    - Booking:
    - Custodial:
    - Transport:
    - Juveniles:
    - Detox:
    - Additional Personnel Resources:

Planning Officer: _____ Date: _____

Plan Review and approval:

Division Commander: _____ Date: _____

Bureau Commander: _____ Date: _____

After-Action Report:

Reporting Officer: _____ Date: _____

Division Commander: _____ Date: _____

Bureau Commander: _____ Date: _____

600.04 PRO Parole and Probation Violation Detainers.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.04 PRO -- PAROLE & PROBATION VIOLATION DETAINERS

1. **Medford Police Department shall verify validity of all PV detainers with the involved parole / probation officer prior to lodging in a custody facility, if the arrest is for that charge, only.**

Officers shall contact the involved parole / probation officer or the Duty Officer through Jackson County Community Corrections to ensure the want information is current and that the detainer has not yet expired.

Although ORS 137.545 allows officers to make PV arrests without contact or approval of the detainee's probation officer, Medford Police Department shall continue to lodge detainees only on approval of the probation officer.

2. **If the PV detainer has been placed on file at the county jail, the officer shall contact the arrestee's parole / probation officer, or the designated duty officer:**

    a. To verify the validity of the detainer,
    b. To notify him of the arrest,
    c. To cancel or withdraw any pending arrest warrant that is based on the detainer.

Leaving a voicemail message for the parole / probation officer is not "contact" and is in violation of this procedure.

3. **The officer shall document the notification of the parole / probation officer in the arrest report.**

314.03 PRO Deploying Spike Strips.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 314.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

314.03 PRO – DEPLOYING SPIKE STRIPS

Action by: *Action:*

OFFICER

1. **Parks** patrol vehicle strategically to hide from approaching suspect vehicle;

2. **Obtains** spike strips from rear of patrol vehicle;

3. **Stands-by** from place of cover (ensuring not to hold-onto or standing on the retrieval cord);

4. **Radios** to other involved units of intent to deploy spike strips;

5. As vehicle approaches, quickly **deploys** spike strips while avoiding path of the suspect vehicle;

6. Quickly **removes** strips immediately as soon as suspect vehicle passes (ensuring not to grab undeployed spikes);

7. **Radios** immediately whether or not deployment was successful & number of tires were spiked, if possible;

8. Carefully **places** spikes back into carrier;

9. **Completes** Blue Team reporting prior to end of watch; and

10. **Submits** spikes to an EVOC instructor for inspection and repair and return to assigned vehicle as soon as practicable.

1020.02 PRO Receiving Complaints Against Employees.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 1020.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

1020.02 PRO -- RECEIVING COMPLAINTS AGAINST EMPLOYEES

Action by: *Action:*

EMPLOYEE

1. Courteously **receives** a complaint from any citizen.

Any employee receiving a complaint shall obtain identifying information from the complainant and a brief summary of the substance of the complaint.

2. **Completes** the Commendation / Complaint Form (1020.03 FRM), or offers the form to the complainant to complete themselves.

If the complainant wishes to remain anonymous, the complainant may be presented with the form and instructed to return it in a sealed envelope to any supervisor, Internal Affairs, or the office of the Chief of Police. If the form is returned without an envelope, upon their request the complainant may be given a copy of the completed form as a receipt.

3. **Refers** the complaint directly to his own immediate supervisor.

The employee shall not:

a. Make any comment or opinion about the incident;
b. Confirm nor deny any allegations;
c. Identify any possible involved employees to the complainant;
d. Refer the complainant to another supervisor; or
e. Tell the complainant to come back later.

RECEIVING SUPERVISOR

4. **Contacts** the complainant promptly to obtain details about the incident or complaint.

The supervisor should attempt to promptly resolve the complaint at that point, if possible.

5. **Forwards** the completed form to the Division Commander of the involved employee (if unable to immediately resolve the complaint), with a copy to Internal Affairs in a sealed envelope; or

6. **Sends** the complaint directly to Internal Affairs, with a copy to the employee's immediate supervisor in sealed envelopes (if the complaint has been resolved).

DIVISION COMMANDER

7. **Reviews** the complaint for accuracy and thoroughness.

8. **Sends** the complaint:

    a. Directly to the involved employee's immediate supervisor for further investigation and resolution, if determined to be a minor complaint (Category I); or
    b. Directly to Internal Affairs and notifies the Chief of Police promptly if the complaint is determined to be of a more serious nature (Category II).

IMMEDIATE SUPERVISOR (Category I complaints only)

9. **Investigates** and resolves the complaint.

10. **Completes** the Complaint Form and returns the completed investigation to the Division Commander in a sealed envelope.

11. Promptly **notifies** the complainant of the final disposition of the investigation.

DIVISION COMMANDER

12. **Reviews** the complaint and subsequent investigation and:

    a. **Returns** it to the immediate supervisor for further investigation and resolution; or

    b. **Forwards** it directly to Internal Affairs upon approval; or

13. **Ensures** the immediate supervisor has notified the complainant upon final resolution.

INTERNAL AFFAIRS

14. **Reports** directly to the Chief of Police.

15. **Conducts** appropriate investigation at the direction of the Chief of Police.

16. **Files** the documented complaint and completed investigation upon resolution in secured, confidential files.

17. **Completes** appropriate information for the quarterly report for the Communications Advisory Committee.

701.01 PRO Facilities Security.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 701.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

701.01 PRO – FACILITIES SECURITY

1. **All Department employees shall wear the assigned Department uniform, or shall prominently display Department-issued identification when wearing plain clothes while present inside secured police facilities.**

2. **All non-Department employees shall be positively identified, thoroughly screened, and shall sign the Visitor Access Log prior to admittance.**

Such screening process may consist of (but not limited to):

a. Records checks through LEDS / NCIC;
b. Making phone calls to confirm the person's purpose of visit;

All visitors requesting access to the non- secure reception areas of the second and third floors, shall be given a visitor's badge, which shall be prominently worn on upper garments.

All non- police employees visiting the secured police facilities shall be accompanied at all times by a Department employee.

Other City of Medford employees granted admittance shall be requested to prominently display their City identification. Upon screening, they may be escorted or directed to their meeting or work area.

3. **Any employee encountering an unaccompanied person who is not wearing any type of identification or visitor pass and the purpose of their presence is otherwise unknown shall immediately challenge the person, and make reasonable inquiry.**

4. **A Records Specialist shall screen and sign-in all vendors and contractors on the Vendor Check-In / Check-Out log prior to admittance.**

The Records Specialist shall indicate on the log if an access badge was issued, and shall log out the vendor upon his departure from the facilities.

Vendors working inside secured police facilities shall be accompanied at all times by a Department employee, unless excused by a supervisor, or who have completed CJIS security clearance.

Contracted construction workers shall be individually screened prior to entry into any secured facilities. As determined by specific circumstances, they may be accompanied at the discretion of a supervisor while working within secured facilities.

303.01 PRO Responding to Threshold Incidents.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 303.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

303.01 PRO -- RESPONDING TO THRESHOLD INCIDENTS

Action by: *Action:*

OFFICER

1. **Notifies** immediate supervisor or Watch Commander.

2. **Prepares** detailed reports of the incident. Reports should include statements made by involved persons regarding injuries and complaints of pain.

3. **Submits** report of incident to immediate supervisor or Watch Commander prior to end of watch.

SUPERVISOR OR WATCH COMMANDER

4. **Responds** immediately to the incident.

5. **Investigates** thoroughly the details of the incident.

    a. Interviews arrestee(s), involved parties, and available witnesses using audiocassette recorders or videocassette recorders, if possible.
    b. Photographs injuries and the scene.
    c. Collects physical evidence.

6. **Reviews** all reports for consistency and determines the causes of inconsistencies.

7. **Completes** a Guardian Tracking entry and submits to the Division Commander within the chain of command.

8. **Distributes** original reports to Records and copies of all reports to Division Commander, Operations Bureau Commander, along with Review of Threshold Incident Form (if used), prior to end of watch.

DIVISION COMMANDER

9. **Completes** a Guardian Tracking review of the incident.

BUREAU COMMANDER

10. **Completes** a Guardian Tracking review of the incident.

INTERNAL AFFAIRS

11. **Retains** the Guardian Tracking entry for the incident.

RECORDS SPECIALIST

12. **Processes** reports as soon as possible.

600.17 PRO Responding to Shoplift Cases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.17 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.17 PRO -- RESPONDING TO SHOPLIFT CASES

Action by: *Action:*

OFFICER

1. **Responds** immediately to contact the complainant.

2. **Ensures** officer safety.

    a. **Checks** suspect for weapons.
    b. **Handcuffs** suspect if needed.

3. **Obtains** positive identification of suspect.

4. **Checks** for wants, probation, etc. through ECSO.

5. **Interviews** security staff to determine if crime has been committed.

6. **Interviews** suspect following Miranda advisement determining:

    a. Multiple shoplifts in vicinity or within time period at same store or multiple locations;
    b. Additional suspects not yet in-custody;
    c. Property in nearby vehicle; and
    d. Identity theft or other fraud involved.

7. **Photographs and releases** evidence back to store; or

    a. **Seizes** property as evidence, and presents store with a receipt.

8. **Cites** suspect into Municipal Court and releases if misdemeanor theft charges, or arrests and lodges in County Jail if felony charges.

If the suspect has been previously trespassed from the store prior to this incident, the proper charge is Trespass II along with the appropriate theft charge. The suspect cannot be charged with Burglary II.

9. **Obtains** written report from security staff.

10. **Requests** security officer, store manager or other store representative to respond to Municipal Court on following business day to sign complaint.

11. **Completes** crime report, using the store's submitted written report as the narrative.

SUPERVISOR

12. **Reviews** and **approves** report.

702.01 PRO Cell Phones.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 702.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

702.01 PRO -- CELL PHONES

1. **Medford Police Department provides cell phones for effective and timely delivery of information.**

2. **Department-owned cell phone use shall be business related, only.**

Personal use of Department-owned cell phones may be unlawful under the Oregon Standards & Practices Commission under ORS 244.040.

3. **Personal use of Department-owned cell phones while off-duty shall be limited.**

Limited personal use of City cell phones is permitted by City of Medford Administrative Regulations #00-1. Medford Police Department permits limited use while on-duty, only, consistent with Administrative Regulations.

4. **The following actions involving cell phone use shall be strictly prohibited, unless where justified in an emergency situation:**

    a. International long distance calls;
    b. Broadcasting the number of a Department-owned cell phone over any radio frequency;
    c. Personnel using any cell phones while driving any Department-owned vehicle without utilizing a hands-free device; or
    d. Personnel using a Department-owned cell phone while driving any vehicle without using a hands-free device.

5. **Employees shall protect the security of their issued cell phone at all times to prevent unauthorized use.**

6. **Any damage to a cell phone or other malfunction shall be reported to a supervisor prior to end of watch.**

7. **Employees should recognize that data contained in the memory of a cell phone may be discoverable and open to public records requests.**

MEDFORD POLICE DEPARTMENT **PROCEDURES**	Order # 702.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

702.02 PRO Voice Mail.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 702.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

702.02 PRO -- VOICE MAIL

1. **Medford Police Department issues each employee a voice mail number.**

2. **Employees shall check their voice mail at least twice daily during their scheduled shift (once near the beginning and once near the end).**

3. **Employees shall record a personalized greeting to their voice mail.**

The greeting shall contain the following:

a. Courteously identify self by name & rank;
b. Days of week on duty;
c. Times of availability; and
d. Invitation to the caller to leave a name and phone number where they can be reached.

4. **Employees shall change their voice mail message to reflect their projected return date, upon leaving for vacation or other extended leave.**

5. **Employees shall promptly reply to messages left on voice mail.**

309 01 PRO Using Tasers.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 309.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_103013_____

309.01 PRO -- USING TASERS

Action by: *Action:*

OFFICER – (PRE-DEPLOYMENT)

1. Each officer is issued an X2, X26 or X26P Taser.

2. Once weekly the officer will spark test the Taser

   a **.Removes** the Taser from the holster.

   b. **Removes** the cartridge and ensures the blast doors are intact on the cartridge.

   c**. Points** the Taser in a safe direction and **activates** the safety switch.

   d. **Checks to observe** the CID turns on and the laser sight is operable.

   e. **Pulls** the trigger and allows the Taser to cycle for a full 5 seconds before making the Taser safe.

3. **Reloads** the cartridge safely and reholsters

4. **Carries** Taser & holster on non-firearm side, with Taser deactivated;

OFFICER – (DEPLOYMENT)

5. **Ensures** a back-up officer is present for lethal force cover;

6. **Draws** Taser;

7. **Maintains** proper cover and distance (ideally about 8-15 feet);

8. **Announces** verbally to all present that less-lethal is being fired;

9. **Ensures** back-up officers are in position to take control of the threat upon compliance;

10. **Deploys** Taser pursuant to training guidelines;

The secondary activation of the Taser charge shall be used for suspect control & not for administration of punishment;

OFFICER – (POST-DEPLOYMENT)

11. **Takes** subject into custody & renders scene safe;

12. **Secures** Taser in holster, making it operationally ready.

12. **Conducts** thorough weapons search on handcuffed suspect

13. **Summons** the Watch Commander, supervisor or Officer Krouse to promptly remove the probes; or

    a. **Transports** the subject to a medical facility if the probes penetrated the skin in a sensitive area (head / neck / groin / breast);

14. **Photographs** subject's injuries;

15. **Instructs** the suspect to update tetanus immunization when it is safe and appropriate to do so.

16. **Transports** suspect to the County Jail;

17. **Logs** probes and cartridge into Medford Police Property Control as evidence using a knife box and **utilizes** a Bio-Hazard sticker on the box. List the serial number of the cartridge on the property report.

18. **Completes** a Physical Control Report and appropriate case report prior to end of watch;

19. **Contacts** the Taser program manager for a new cartridge.

WATCH COMMANDER or SUPERVISOR

20. **Responds** promptly to the scene when necessary;

21. **Assists** officer in stabilizing the situation;

22. **Removes** Taser probes from the suspect when it is safe to do so, if necessary;

23. **Investigates** incident, pursuant to Threshold Incidents policy;

24. **Reviews** and **approves** reports prior to end of watch; and

The Taser inventory number should be indicated on the Threshold Incident report to identify the specific weapon.

1042.01 PRO Processing Injured Employees.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 1042.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

1042.01 PRO -- PROCESSING INJURED EMPLOYEES

Action by: *Action:*

EMPLOYEE

1. **Seeks** medical attention immediately upon sustaining injury, if necessary;

    a. **Obtains** a written Return to Work report from the medical provider;

2. **Notifies** supervisor as soon as possible;

3. **Completes** the employee portion of the 801 form at the direction of the supervisor, if missed time from work or necessitated medical attention;

SUPERVISOR

4. **Thoroughly investigates** the incident;

5. **Completes** City of Medford form ALL/010, answering the following:

    a. Details of the accident (including photographs & sketches);
    b. What caused the accident;
    c. Corrective actions taken to prevent further injury.

6. **Completes** 801 form if employee necessitates medical attention or misses time from work due to the injury;

7. **Presents** the employee with copies of all forms upon completion;

8. **Submits** both completed forms to the Division Commander;

DIVISION COMMANDER

9. **Reviews** and approves forms;

10. **Delivers** forms to Risk Manager within 24 hours;

RISK MANAGER

11. **Forwards** notification to City County Insurance Services within 5 calendar days of notification of the on-duty injury requiring medical attention or time missed from work; and

12. **Coordinates** follow-up through Administrative Support Division for missing information or questions from City County Insurance Services.

600.03 PRO Municipal Court Warrant Clearance.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.03 PRO -- MUNICIPAL COURT WARRANT CLEARANCE

Arrest warrants issued by Medford Municipal Court may be cleared without incarceration under certain conditions: (i.e., poor health of suspect, parental responsibilities, or other circumstances that would pose an extreme burden on the person or the Department).

Action by: *Action:*

OFFICER

1. **Detains** potential arrestee on a Municipal Court arrest warrant.
2. **Obtains** approval from a supervisor to clear warrant without incarceration.
3. **Completes** a Municipal Court Release Agreement (MPD/034).
4. **Requests** the defendant to review and sign the release agreement.
5. **Sets** appearance date & time on the release agreement for about 2 weeks later.
6. **Presents** copy of release agreement to the defendant and releases.
7. **Completes** custody report.
8. **Ensures** warrant has been cleared from files through Records.

SUPERVISOR

9. **Approves** report.

502.02 PRO Accidents Involving Public-Owned Vehicles.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 502.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

502.02 PRO – ACCIDENTS INVOLVING PUBLIC-OWNED VEHICLES

1. **A Police Officer shall respond to and investigate a report of a motor vehicle accident involving a public-owned vehicle as any other motor vehicle accident.**

2. **Additionally, upon discovery that a public-owned vehicle is involved, the Police Officer shall summon the Watch Commander or other supervisor to respond immediately to the accident scene.**

3. **The Watch Commander or other supervisor shall promptly respond to the scene of any accident involving a public-owned vehicle and conduct sufficient investigation to determine:**

    a. If the accident was preventable;
    b. The primary cause(s) of the accident; and
    c. If any violations occurred that contributed to the accident.

The supervisor shall submit those findings in an independent supplemental report, which shall become part of the investigating officer's report. Such report shall include photographs and measurements, either obtained by the supervisor, or the initial investigating officer at the supervisor's direction.

4. **The responding supervisor shall retrieve the video memory disk from the MVR system as soon as possible upon responding to an officer-involved crash.**

5. **If the accident involves a vehicle from another government agency, that driver's supervisor should be notified of the accident as soon as possible.**

If the supervisor of the driver of the public-owned vehicle is unavailable, another supervisory member of the agency may be notified.

6. **The supervisor may issue a citation at the scene, or direct the investigating officer to do so.**

7. **<u>Any accident involving a City of Medford vehicle may be referred to another police agency for initial investigation.</u>**

However, Medford Police Department shall conduct an investigation independent of the findings of the outside agency.

8. **<u>In accidents involving Medford PD police vehicles, the supervisor shall complete the City of Medford Supervisor's Vehicle Accident Report (form #ALL/008).</u>**

For accidents involving other City of Medford vehicles outside of the Police Department, a supervisor from the City department whose vehicle was involved in the accident should be advised to complete form ALL / 008.

9. **<u>If any on-duty City of Medford employee is injured as a result of a motor vehicle accident, the supervisor shall complete the City of Medford Supervisor's Accident / Disease Investigation Report (form #ALL/010).</u>**

These reports shall be completed within 24 hours and submitted to the Patrol Commander.

320.01 PRO Responding to Domestic Violence Cases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 320.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

320.01 PRO -- RESPONDING TO DOMESTIC VIOLENCE CASES

Action by: *Action:*

OFFICER

1. **Responds** promptly and coordinates tactics with other officer to the vicinity of the call.

Officer safety shall be of the highest priority at all times.

2. **Parks** patrol vehicles tactically some distance from, and out of view of the location, exiting patrol car when safe to do so.

3. **Coordinates** with other officer(s) for approach on foot.

4. **Considers** calling for additional officers, as situation dictates.

5. **Contacts** available witnesses and victims to develop intelligence information.

6. **Tactically approaches** the premises and contacts involved parties, separating them immediately.

7. **Secures** weapons immediately.

8. **Searches** all rooms of premises for all additional involved parties, who may be hiding.

9. **Examines** all parties for evidence of injuries and identifies relationships of all parties for definitions under ORS 107.705.

    a. Facilitates treatment for all parties as soon as it is practical to do so.

10. **Interviews** all involved parties, including victim(s), suspect(s), complainant(s), and witnesses thoroughly.

    a. **Interviews** peripheral witnesses (i.e., neighbors, bystanders, etc.).

11. **Determines** if it is a case of domestic violence, and if an assault has occurred.

12. **Identifies** and secures the perpetrator of assault or menacing.

13. **Summons** a supervisor if case involves Department employees or police officers from another agency.

14. **Identifies** all children present, their location at the time of the incident, and their relationship to involved parties.

    a. **Considers** felony charges under ORS 163.160 (3).

15. **Checks** for prior restraining orders, stalking orders, protective orders, or other court orders involving any of the parties.

16. **Considers** the following factors to determine if a second arrest may be necessary:

    a. Evaluate who was the primary aggressor.
    b. Comparative extent of the injuries inflicted or the seriousness of the threats creating a fear of physical injury.
    c. History of domestic violence between the persons involved.
    d. Whether any alleged crime was committed in self-defense.
    e. Potential for future assaults.

17. **Records** in his notebook any statements or utterances the victim makes regarding the incident.

18. **Records** statements made at the scene using a digital recorder.

19. **Obtains** information from victim regarding a phone number contact who will be able to contact the victim at a later date.

20. **Photographs** the scene and injuries of all parties.

21. **Ensures** prevention of further injury or abuse to family members, household members, elderly persons and persons at risk of abuse and injury (whether or not any parties have been arrested).

    a. **Delivers** a domestic violence card (MPD/217) to any of the above.
    b. **Delivers** an Oregon Crime Victim's Notice to any victims who may qualify for financial help for their expenses related to the incident.

22. **Facilitates** referrals to Victim's Assistance or other agencies.

23. **Removes** firearms and/or other weapons from the premises to prevent harm to any involved parties under ORS 133.033 (community care taking functions) if appropriate:

    a. With or without consent of either party;
    b. Held for an undetermined period, pending a cooling off period (generally about 30 days or more); and
    c. Held, pending disposition of the case through the court system.

24. **Presents** a receipt for any property taken for evidence or safekeeping.

25. **Obtains** a release for medical records from the victim for any treatment as a result of this incident.

26. **Secures** physical evidence ASAP.

27. **Contacts** ATF if weapons violations under federal law are suspected.

Officers shall not make any arrest for violation of federal law prior to consultation with an Assistant US Attorney.

28. **Documents** incident on appropriate case report and completes prior to end of watch.

    a. **Lists** all witnesses or available potential witnesses.

b. **Submits** report to DA's office on next business day.
c. **Submits** to Department of Human Services if children involved.

29. **Secures** physical evidence at Property Control.

30. **Contacts** the victims 2-3 days later to re-photograph visible injuries.

a. **Documents** subsequent meeting in continuation report.
b. **Secures** photos in evidence.

331.03 FRM Child Placemt Form.pdf

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331.03 FRM -- CHILD PLACEMENT FORM

CONFIDENTIAL

DO NOT SUBMIT WITH CASE REPORT

FAX TO DHS 541-776-6063 OR PHONE A SCREENER AT 541-776-6120 AFTER 0800 HRS.

CHILD:	DOB:	ADDRESS:	PHONE:
MOTHER:			
FATHER:			
GUARDIAN:			
INV. OFFICER:			

REASON FOR PLACEMENT:

FOSTER PARENTS NAME:	ADDRESS:	PHONE:
PARENTS NOTIFIED OF PLACEMENT BY: NAME_____ DATE:_____TIME:_____ NOTIFIED: IN PERSON____ BY PHONE____ OTHER_____		

312.05 PRO Secondary Weapon Qualification Course.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 312.05 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

312.05 PRO – SECONDARY WEAPON QUALIFICATION COURSE

100% hits in the 3 and 5 zones required to qualify.

10-Yard Line – One full magazine or cylinder

1. On the signal, the officer draws and fires one full magazine or cylinder.

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308.01 PRO Using OC Spray.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 308.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

308.01 PRO -- USING OC SPRAY

Action by: *Action:*

OFFICER – PRE-DEPLOYMENT

1. **Inspects** visually can and nozzle for leaks.
2. **Checks** periodically the expiration date on bottom of can.
    a. **Replaces** can if expired.

OFFICER – DEPLOYMENT

3. **Communicates** to other officers at scene that OC is going to be used.

Other officers present should disengage, or turn their heads, hold their breath, and close & squint their eyes to minimize effects.

4. **Directs** spray towards eyes, nose & mouth of suspect from a distance of 8-10 feet.
    a. **Considers** environmental factors prior to deployment (wind, rain, etc.)
    b. **Avoids** close quarters spraying of the suspect's face.
5. **Controls** the suspect using verbal commands.
6. **Directs** cover officers to take control of the suspect and take into custody.
7. **Places** suspect into upright position.

OFFICER – POST-DEPLOYMENT

8. **Renders** aid to suspect.

9. **Checks** suspect's vital signs, if necessary.

10. **Transports** to medical facility or call for an ambulance, if necessary.

11. **Decontaminates** the suspect as soon as possible, by allowing suspect to flush affected areas with cold running water.

All exposed officers should also be decontaminated as soon as possible.

12. **Photographs** any injuries.

13. **Notifies** Watch Commander, if not already notified.

14. **Completes** a Use of Force report along with other appropriate crime reports prior to end of watch.

15. **Replaces** OC canister if less than half-full.

SUPERVISOR

16. **Reviews** and approves reports prior to end of watch.

17. **Handles** situation as a threshold incident.

362.01 REF ID Info Pkt--(Public).pdf

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362.01 REF -- IDENTITY THEFT

In the course of a busy day, you may write a check at the grocery store, charge tickets to a ball game, rent a car, mail your tax returns, call home on your cell phone, order new checks, or apply for a credit card. The chances are you don't give these everyday transactions a second thought. But, someone else may.

The 1990's spawned a new variety of crooks called **"identity thieves."** Their stock in trade is your everyday transactions. Each transaction requires you to share personal information: your bank and credit card account numbers; your income; your Social Security number (SSN), and your name, address and phone numbers. An identity thief obtains some piece of your personal information and appropriates it without your knowledge to commit fraud or theft. An all-to-common example is when an identity thief uses your personal information to open a credit card account in your name.

Can you completely prevent identity theft from occurring?

Probably not, but especially if someone is determined to commit the crime. But you can minimize your risk by managing your personal information wisely, cautiously and with heightened sensitivity.

The Congress of the United States asked the Federal Trade Commission (FTC) to provide information to consumers about identity theft and to take complaints from those whose identities have been stolen. If you've been a victim of identity theft, you can call the FTC's Identity Theft Hotline toll-free at 1-877-IDTHEFT (438-4338). The FTC puts your information into a secure consumer fraud database and may, in appropriate instances, share it with other law enforcement agencies and private entities, including any companies about which you may complain. The FTC, working in conjunction with other government agencies, has produced this information to help guard against and recover from identity theft.

This booklet is prepared for your information only. It is not intended to provide legal advice. The legal rights discussed in these materials may vary by state. Contact the appropriate agencies, or private legal counsel, to ensure you protect your rights.

HOW IDENTITY THEFT OCCURS

Despite your best efforts to manage the flow of your personal information or to keep it to yourself, skilled identity thieves may use a variety of methods – low – and hi-tech – to gain access to your data. Here are some of the ways imposters can get your personal information and take over your identity.

How do identity thieves get your personal information?

- They steal wallets and purses containing your identification and credit and bankcards.
- They steal your mail, including your bank and credit card statements, pre-approved credit offers, telephone calling cards and tax information.
- They complete a "change of address form" to divert your mail to another location.
- They rummage through your trash, or the trash of businesses, for personal data in a practice known as "dumpster diving."
- They fraudulently obtain your credit report by posing as a landlord, employer or someone else who may have a legitimate need for – and a legal right to – the information.
- They get your business or personnel records at work.
- They find personal information in your home.
- They use personal information you share on the Internet.
- They buy your personal information from "inside" sources. For example, an identity thief may pay a store employee for information about you that appears on an application for goods, service or credit.

How do identity thieves use your personal information?

- They call your credit card issuer and, pretending to be you, ask to change the mailing address on your credit card account. The imposter then runs up charges on your account. Because your bills are being sent to the new address, it may take some time before you realize there's a problem.
- They open a new credit card account, using your name, date of birth and SSN. When they use the credit card and don't pay the bills, the delinquent account is reported on your credit report.
- They establish phone or wireless service in your name.
- They open a bank account in your name and write bad checks on that account.

- They file bankruptcy under your name to avoid paying debts they've incurred under your name, or to avoid eviction.

- They counterfeit checks or debit cards, and drain your bank account.

- They buy cars by taking out auto loans in your name.

How can you minimize your risk?

While you probably can't prevent identity theft entirely, you can minimize your risk. By managing your personal information wisely, cautiously and with an awareness of the issue, you can help guard against identity theft:

- Before you reveal any personally identifying information, find out how it will be used and whether it will be shared with others. Ask if you have a choice about the use of your information: can you choose to have it kept confidential?

- Pay attention to your billing cycles. Follow up with creditors if your bills don't arrive on time. A missing credit card bill could mean an identity thief has taken over your credit card account and changed your billing address to cover his tracks.

- Guard your mail from theft. Deposit outgoing mail in post office collection boxes or at your local post office. Promptly remove mail in your mailbox after it has been delivered. If you're planning to be away from home and can't pick up your mail, call your local post office and request a vacation hold. The Postal Service will hold your mail at your local post office until you can pick it up.

- Put passwords on your credit card, bank and phone accounts. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers.

- Minimize the identification information and the number of cards you carry to what you'll actually need.

- Do not give out personal information on the phone, through the mail or over the Internet unless you have initiated the contact or know whom you're dealing with. Identity thieves may pose as representatives of banks, Internet service providers and even government agencies to get you to reveal your SSN, mother's maiden name, financial account numbers and other identifying information. Legitimate organizations with which you do business have the information they need and will not ask you for it.

- Keep items with personal information in a safe place. To thwart an identity thief who may pick through your trash or recycling bins to capture your personal information, tear or shred your charge receipts, copies of credit applications, insurance forms, physician statements, bank checks and statements, that you are discarding, expired charge cards and credit offers you get in the mail.

- Be cautious about where you leave personal information in your home, especially if you have roommates, employ outside help or are having service work done in your home.

- Find out who has access to your personal information at work and verify that the records are kept in a secure location.

- Give your SSN only when absolutely necessary. Ask to use other types of identifiers when possible.

- Don't carry your SSN card; leave it in a secure place.

- Order a copy of your credit report from each of the three major credit-reporting agencies every year. Make sure it is accurate and includes only those activities you've authorized.

- Your credit report contains information on where you work and live, the credit accounts that have been opened in your name, how you pay your bills and whether you've been sued, arrested or filed bankruptcy. Checking your report on a regular basis can help you catch mistakes and fraud before they wreak havoc on your personal finances.

A SPECIAL WORD ABOUT SOCIAL SECURITY NUMBERS (SSN)

Your employer and financial institution will likely need your SSN for wage and tax reporting purposes. Other private business may ask you for your SSN to do a credit check, such as when you apply for a car loan. Sometimes, however, they simply want your SSN for general record keeping. You don't have to give a business your SSN just because they ask for it. If someone asks for your SSN, ask the following questions:

- Why do you need my SSN?

- How will my SSN be used?

- What law requires me to give you my SSN?

- What will happen if I don't give you my SSN?

Sometimes a business may not provide you with the service or benefit you're seeking if you don't provide your SSN. Getting answers to these questions will help you decide whether you want to share your SSN with the business. Remember, though, that the decision is yours.

If you are a victim of identity theft:

Sometimes an identity thief can strike even if you've been very careful about keeping your personal information to yourself. If you suspect that your personal information has been hijacked and misappropriated to commit fraud or theft, take action immediately, and keep a record of your conversations and correspondence. Exactly which steps you should take to protect yourself depends on your circumstances and how your identity has been misused. However, three basic actions are appropriate in almost every case.

Your First Three Steps

- **#1: Contact the fraud departments of each of the three major credit bureaus.**

Tell them that you're an identity theft victim. Request that a "fraud alert" be placed in your file, as well as a victim's statement asking that creditors call you before opening a new accounts or changing your existing accounts. This can help prevent an identity thief from opening additional accounts in your name.

At the same time, order copies of your credit reports from credit bureaus. Credit bureaus must give you a free copy of your report if your report is inaccurate because of fraud, and you request it in writing. Review your reports carefully to make sure no additional fraudulent accounts have been opened in your name or unauthorized changes made to your existing accounts. Also, check the section of your report that lists "inquiries." Where "inquiries" appear from the company (ies) that opened the fraudulent account(s), request that these "inquiries" be removed from your report. In a few months, order new copies of your reports to verify your corrections and changes, and to make sure no new fraudulent activity has occurred.

- **#2: Contact the creditors for any accounts that have been tampered with or opened fraudulently.**

Creditors can include credit card companies, phone companies and other utilities, and banks and other lenders. Ask to speak with someone in the security or fraud department of each creditor, and follow up with a letter. It's particularly important to notify credit card companies in writing because that's the consumer protection procedure the law spells out for resolving errors on credit card billing statements. Immediately close accounts that have been tampered with and open new ones with new Personal Identification Numbers (PINS) and passwords. Here again, avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers.

- **#3: File a report with your local police or the police in the community where the identity theft took place.**

Get a copy of the police report in case the bank, credit card company or others need proof of the crime. Even if the police can't catch the identity thief in your case, having a copy of the police report can help you when dealing with creditors.

Your Next Steps

Although there's no question that identity thieves can wreak havoc on your personal finances, there are some things you can do to take control of the situation. For Example:

- **Stolen Mail.** If an identity thief has stolen your mail to get new credit cards, bank and credit card statements, pre-screened credit offers or tax information, or if an identity thief has falsified change-of-address forms, that's a crime. Report it to your local postal inspector, Contact your local post office for the phone number for the nearest postal inspection service office or check the Postal Service web site at **(www.usps.gov/websites/depart/insp)**.

- **Change of address on credit card accounts.** If you discover that an identity thief has changed the billing address on an existing credit card account, close the account. When you open a new account, ask that a password be used before any inquiries or changes can be made on the account. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers. Avoid using the same information and numbers when you create a PIN.

- **Bank Accounts.** If you have reason to believe that an identity thief has tampered with your bank accounts, checks or ATM card, close the accounts immediately. When you open new accounts, insist on password-only access to minimize the chance that an identity thief can violate the accounts.

If your ATM card has been lost, stolen or otherwise compromised, cancel the card as soon as you can and get another with a new PIN.

- **Investments.** If you believe that an identity thief has tampered with your securities investments or a brokerage account, immediately report it to your broker or account manager and to the Securities and Exchange Commission.
- **Phone Service.** If an identity thief has established new phone service in your name; is making unauthorized calls that seem to come from – and are billed to – your cellular phone; or is using your calling card and PIN, contact your service provider immediately to cancel the account and/or calling card. Open new accounts and choose new PINs.

If you are having trouble getting fraudulent phone charges removed from your account, contact your state Public Utility Commission for local service providers or the Federal Communications Commission for long-distance service providers and cellular providers at www.fcc.gov/ccb/enforce/complaints.html or 1-888-CALL-FCC.

- **Employment.** If you believe someone is using your SSN to apply for a job or to work, that's a crime. Report it to the SSA's Fraud Hotline at 1-800-269-0271. Also call SSA at 1-800-772-1213 to verify the accuracy of the earnings reported on your SSN, and to request a copy of your *Social Security Statement.* Follow up your calls in writing.

- **Driver's License.** If you suspect that an identity thief, to get a driver's license or a non-driver's ID card, is using your name or SSN, contact your Department of Motor Vehicles.

If your state uses your SSN as your driver's license number, ask to substitute another number.

- **Bankruptcy.** If you believe someone has filed for bankruptcy using your name, write to the U.S. Trustee in the Region where the bankruptcy was filed. A listing of the U.S. Trustee Programs Regions can be found at www.usdoj.gov/ust, or look in the Blue Pages of your telephone book under U.S. Government – Bankruptcy Administration.

Your letter should describe the situation and provide proof of your identity. The U.S. Trustee, if appropriate, will make a referral to criminal law enforcement authorities if you provide appropriate documentation to substantiate your claim. You also may want to file a complaint with the U.S. Attorney and/or the FBI in the city where the bankruptcy was filed.

- **Criminal Records/Arrests.** In rare instances, an identity thief may create a criminal record under your name. For example, your imposter may give your name when being arrested. If this happens to you, you may need to hire an attorney to help resolve the problem. The procedures for clearing your name vary by jurisdiction.

SHOULD I APPLY FOR A NEW SOCIAL SECURITY NUMBER?

Under certain circumstances, SSA may assign you a new SSN – at your request – if, after trying to resolve the problems brought on by identity theft, you continue to experience problems. Consider this option carefully. A new SSN may not resolve your identity theft problems and may actually create new problems. For example, a new SSN dose not necessarily ensure a new credit record because credit bureaus may combine the credit records from your old SSN with those from your new SSN. Even when the old credit information is not associated with your new SSN, the absence of any credit history under your new SSN may make it more difficult for you to get credit. And finally, there's no guarantee that an identity thief wouldn't also misuse a new SSN.

Where There is Help

The Federal Trade Commission (FTC) collects complaints about identity theft from consumers who have been victimized. Although the FTC does not have the authority to bring criminal cases, the Commission can help victims of identity theft by providing information to assist them in resolving the financial and other problems that can result from this crime. The FTC also refers victim complaints to other appropriate government agencies and private organizations for further action.

If you've been a victim of identity theft, file a complaint with the FTC by contacting FTC's Identity Theft Hotline by telephone: toll free 1-877-IDTHEFT (438-4338); TDD: 202-326-2502; by mail; Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC. 20580; on line: www.consumer.gov/idtheft.

Other agencies and organizations also are working to combat identity theft. If specific institutions and companies are not being responsive to your questions and complaints, you also may want to contact the government agencies with jurisdiction over those companies. They will be listed at the end of this document.

Federal Laws

The federal government and numerous states have passed laws that address the problem of identity theft.

The Identity Theft and Assumption Deterrence Act, enacted by Congress in October 1998 (and codified, in part, at 18 U.S.C. Par 1028) is the federal law directed at identity theft.

Violations of the Act are investigated by federal law enforcement agencies, including the U.S. Secret Service, the FBI, the U.S. Postal Inspection Service and SSA's Office of the Inspector General. Federal identity theft cases are prosecuted by the U.S. Department of Justice.

In most instances, a conviction for identity theft carries a maximum penalty of 15 years imprisonment; a fine and forfeiture of any personal property used or intended to be used to commit the crime. The Act also directs the U.S. Sentencing Commission to review and amend the federal sentencing guidelines to provide appropriate penalties for those persons convicted of identity theft.

Schemes to commit identity theft or fraud also may involve violations of other statues, such as credit card fraud; computer fraud; mail fraud; wire fraud; financial institution fraud; or Social Security fraud. Each of these federal offenses is a felony and carries substantial penalties – in some cases, as high as 30 years in prison, fines and criminal forfeiture.

Identity Theft and Assumption Deterrence Act of 1998

Under the Identity Theft and Assumption Deterrence Act, it is a federal crime when someone:

"knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or aid or abet, any unlawful activity that constitutes a violation of federal law, or that constitutes a felony under any applicable state or local law."

Note that under the Act, a name or SSN is considered a "means of identification". So is a credit card number, cellular telephone electronic serial number or any other piece of information that may be used alone or in conjunction with other information to identify a specific individual.

State Laws

Many states have passed laws related to identity theft; others may be considering such legislation. Where specific identity theft laws do not exist, the practices may be prohibited under other laws. Contact your State Attorney General's office or local consumer protection agency to find out whether your state has laws related to identity theft, or visit www.consumer.gov/idtheft.

Oregon State Law – ORS 165.800 & 165.803

165.800 Identity theft. (1) 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.

(2) Identity theft is a Class C felony.

(3) It is an affirmative defense to violating subsection (1) of this section that the person charged with the offense:

(a) Was under 21 years of age at the time of committing the offense and the person used the personal identification of another person solely for the purpose of purchasing alcohol;

(b) Was under 18 years of age at the time of committing the offense and the person used the personal identification of another person solely for the purpose of purchasing tobacco products; or

(c) Used the personal identification of another person solely for the purpose of misrepresenting the person's age to gain access to a:

(A) Place the access to which is restricted based on age; or

(B) Benefit based on age.

(4) As used in this section:

(a) "Another person" means a real person, whether living or deceased, or an imaginary person.

(b) "Personal identification" includes, but is not limited to, any written document or electronic data that does, or purports to, provide information concerning:

(A) A person's name, address or telephone number;

(B) A person's driving privileges;

(C) A person's Social Security number or tax identification number;

(D) A person's citizenship status or alien identification number;

(E) A person's employment status, employer or place of employment;

(F) The identification number assigned to a person by a person's employer;

(G) The maiden name of a person or a person's mother;

(H) The identifying number of a person's depository account at a "financial institution" or "trust company," as those terms are defined in ORS 706.008, or a credit card account;

(I) A person's signature or a copy of a person's signature;
(J) A person's electronic mail name, electronic mail signature, electronic mail address or electronic mail account;
(K) A person's photograph;
(L) A person's date of birth; and
(M) A person's personal identification number.

165.803 Aggravated identity theft. (1) A person commits the crime of aggravated identity theft if:
(a) The person violates ORS 165.800 in 10 or more separate incidents within a 180-day period;
(b) The person violates ORS 165.800 and the person has a previous conviction for aggravated identity theft;
(c) The person violates ORS 165.800 and the losses incurred in a single or aggregate transaction are $10,000 or more within a 180-day period; or
(d) The person violates ORS 165.800 and has in the person's custody, possession or control 10 or more pieces of personal identification from 10 or more different persons.
(2) Aggravated identity theft is a Class B felony.
(3) As used in this section, "previous conviction" includes:
(a) Convictions occurring before, on or after January 1, 2008; and
(b) Convictions entered in any other state or federal court for comparable offenses.
(4) The state shall plead in the accusatory instrument and prove beyond a reasonable doubt, as an element of the offense, the previous conviction for aggravated identity theft.

Resolving Credit Problems

Resolving credit problems resulting from identity theft can be time-consuming and frustrating. The good news is that there are federal laws that establish procedures for correcting credit report errors and billing errors, and for stopping debt collectors from contacting you about debts you don't owe.

Here is a brief summary of your rights, and what to do to clear up credit problems that result from identity theft.

Credit Reports

The Fair Credit Reporting Act (FCRA) establishes procedures for correcting mistakes on your credit record and requires that your record be made available only for certain legitimate business needs.

Under the FCRA, both the credit bureau and the organization that provided the information to the credit bureau (the "information provider"), such as a bank or credit card company, are responsible for correcting inaccurate or incomplete information in your report. To protect your rights under the law, contact both the credit bureau and the information provider.

First of all, call the credit bureau immediately and follow up in writing. Tell them what information you believe is inaccurate. Include copies (**NOT** originals) of documents that support your position. In addition to providing your complete name and address, your letter should clearly identify each item in your report that you dispute, give the facts and explain why you dispute the information, and request deletion or correction. You may want to enclose a copy of your report with circles around the items in question. Send your letter by certified mail, and request a return receipt so you can document what the credit bureau received and when. Keep copies of your dispute letter and enclosures.

Credit bureaus must investigate the items in question – usually within 30 days – unless they consider your dispute frivolous. They also must forward all relevant data you provide about the dispute to the information provider. After the information provider receives notice of a dispute from the credit bureau, it must investigate, review all relevant information provided by the credit bureau and report the results to the credit bureau. If the information provider finds the disputed information to be inaccurate, it must notify any nationwide credit bureau that it reports to so that the credit bureaus can correct this information in your file. Note that:

- Disputed information that cannot be verified must be deleted from your file.
- If your report contains erroneous information, the credit bureau must correct it.
- If an item is incomplete, the credit bureau must complete it. For example, if your file shows that you have been late making payments, but fails to show that you are no longer delinquent, the credit bureau must show that you're current.
- If your file shows an account that belongs to someone else, the credit bureau must delete it. When the investigation is complete, the credit bureau must give you the written results and a free copy of your report if the dispute results in a change. If an item is changed or removed, the credit bureau cannot put the disputed information back in your file unless the information provider verifies its accuracy and completeness, and the credit bureau gives you a written notice that includes the name, address and phone number of the information provider.

If you request, the credit bureau must send notices of corrections to anyone who received your report in the past six months. Job applicants can have a corrected copy of their report sent to anyone who received a copy during the past two years for employment purposes. If an investigation does not resolve your dispute, ask the credit bureau to include your statement of the dispute in your file and in future reports.

Second, in addition to writing to the credit bureau, tell the creditor or other information provider *in writing* that you dispute an item. Again, include copies (NOT originals) of documents that support your position. Many information providers specify an address for disputes. If the information provider then reports the item to any credit bureau, it must include a notice of your dispute. In addition, if you are correct – that is, if the disputed information is not accurate – the information provider may not use it again. For more information, consult *How to Dispute Credit Report Errors* and *Fair Credit Reporting*, two brochures available from the FTC or at www.consumer.gov/idtheft.

SAMPLE DISPUTE LETTER – CREDIT BUREAU

Date

Your Name
Your Address
Your city, State, Zip Code

Complaint Department
Name of Credit Bureau
Address
City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute the following information in my file. The items I dispute also are circled on the attached copy of the report I received. (Identify items) dispute by name of source, such as creditors or tax court, and identify type of item, such as credit account, judgment, etc.)

This item is (inaccurate or incomplete and why). I am requesting that the item be deleted (or request another specific change) to correct the information.

Enclosed are copies of (use this sentence if applicable and describe any enclosed documentation, such as payment records, court documents) supporting my position. Please investigate this (these) matter(s) and (delete or correct) the disputed item(s) as soon as possible.

Sincerely,

Your Name

Enclosures: (List what your are enclosing.)

Credit Cards

The Truth in Lending Act limits your liability for unauthorized credit card charges in most cases to $50.00 per card. The Fair Credit Billing Act establishes procedures for resolving billing errors on your credit card accounts.

The Act's settlement procedures apply to disputes about "billing errors." This includes fraudulent charges on your accounts. To take advantage of the law's consumer protections you **must:**

- Write to the creditor at the address given for "billing inquiries," not the address for sending payments. Include your name, address, account and date of the error. Your letter may look like the sample included.

- Send your letter so that it reaches the creditor within 60 days after the first bill containing the error was mailed to you. If an identity thief changed the address on your account and you never received the bill, your dispute letter still must reach the creditor within 60 days of when the creditor would have mailed the bill. This is why it's so important to keep track of your billing statements and immediately follow up when your bills don't arrive on time.

Send your letter by certified mail, and request a return receipt. This will be your proof of the date the creditor received the letter. Include copies (NOT originals) of sales slips or other documents that support your position. Keep a copy of your dispute letter.

The creditor must acknowledge your complaint in writing within 30 days after receiving it, unless the problem has been resolved. The creditor must resolve the dispute within two billing cycles (but not more than 90 days) after receiving your letter.

For more information, see *Fair Credit Billing* and *Avoiding Credit and Charge Card Fraud*, two brochures available from the FTC or at www.consumer.gov/idtheft

SAMPLE DISPUTE LETTER – CREDIT CARD ISSUERS

Date

Your name
Your Address
Your City, State, Zip Code
Your Account Number

Name of Creditor
Billing Inquiries
Address
City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute a billing error in the amount of $_____ on my account. The amount is inaccurate because (describe the problem). I am requesting that the error be corrected, that any finance and other charges related to the disputed amount be credited as well, and that I receive an accurate statement.

Enclosed are copies of (use this sentence to describe any enclosed information, such as sales slips, payment records) supporting my position. Please investigate this matter and correct the billing error as soon as possible.

Sincerely,

Your Name

Enclosures: (List what you are enclosing.)

Debt Collectors

The Fair Debt Collection Practices Act prohibits debt collectors from using unfair or deceptive practices to collect overdue bills that a creditor has forwarded for collection.

You can stop a debt collector from contacting you by writing a letter to the collection agency telling them to stop. Once the debt collector receives your letter, the company may not contact you again – with two exceptions: they can tell you there will be no further contact and they can tell you that the debt collector or the creditor intends to take some specific action.

A collector also may not contact you if, within 30 days after you receive the written notice, you send the collection agency a letter stating you do not owe the money. Although such a letter should stop the debt collector's calls, it will not necessarily get rid of the debt itself, which may still turn up on your credit report. In addition, a collector can renew collection activities if you are sent proof of the debt. So, along with your letter stating you don't owe the money, include copies of documents that support your position. If you're a victim of identity theft, including a copy (**NOT** original) of the police report you filed may be particularly useful.

For more information, consult *Fair Debt Collection*, a brochure available from the FTC or at www.consumer.gov/

ATM Cards, Debit Cards and Electronic Fund Transfer

The Electronic Fund Transfer Act provides consumer protections for transactions involving an ATM or debit card or other electronic way to debit or credit an account. It also limits your liability for unauthorized electronic fund transfers.

It's important to report lost or stolen ATM and debit cards immediately because the amount you can be held responsible for depends on **how quickly** you report the loss.

- If you report your ATM card lost or stolen within two business days of discovering the loss or theft, your losses are limited to $50.

- If you report your ATM card lost or stolen after two business days, but within 60 days after a statement showing an unauthorized electronic fund transfer, you can be liable for up to $500 of what a thief withdraws.

- If you wait more than 60 days, you could lose **all** the money that was taken from your account after the end of the 60 days and before you report your card missing.

The best way to protect your self in the event of an error or fraudulent transaction is to call the financial institution and follow up in writing – by certified letter, return receipt requested – so you can prove when the institution received your letter. Keep a copy of the letter for your records.

After notification about an error on your statement, the institution generally has 10 business days to investigate. The financial institution must tell you the results of its investigation within three business days after completing it and must correct an error within one business day after determining that an error has occurred. If the institution needs more time, it may take up to 45 days to complete the investigation – but only if the money in dispute is returned to your account and you are notified promptly of the credit. At the end of the investigation, if no error has been found, the institution may take the money back if it sends you a written explanation.

NOTE: Visa and MasterCard voluntarily have agreed to limit consumers' liability for unauthorized use of their debit cards in most instances to $50 per card, no matter how much time has elapsed since the discovery of the loss or theft of the card.

For more information, consult *Electronic Banking* and *Credit and ATM Cards: What to Do if They're Lost or Stolen,* two brochures available from the FTC or at www.consumer.gov/idtheft

RESOURCES

Federal Government

Federal Trade Commission (FTC) – www.ftc.gov

The FTC is the federal clearinghouse for complaints by victims of identity theft. Although the FTC does not have the authority to bring criminal cases, the Commission helps victims of identity theft by providing them with information to help resolve the financial and other problems that can result from identity theft. The FTC also may refer victim complaints to other appropriate government agencies and private organizations for action.

If you've been a victim of identity theft, file a complaint with the FTC by contacting the FTC's Identity Theft Hotline by telephone: toll-free 1-877-IDTHEFT (438-4338); TDD: 202-326-2502; by mail: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580; or online: www.consumer.gov/idtheft

FTC publications:

- *Avoiding Credit and Charge Card Fraud*
- *Credit and ATM Cards: What to Do if They're Lost or Stolen*
- *Credit Card Loss Protection Offers: They're The Real Steal*
- *Electronic Banking*
- *Fair Credit Billing*
- *Fair Credit Reporting*
- *Fair Debt Collection*
- *Getting Purse-onal: What To Do If Your Wallet or Purse Is Stolen*
- *How to Dispute Credit Report Errors*
- *Identity Crisis…What to Do If Your Identity Is Stolen*
- *Identity Thieves Can Ruin Your Good Name: Tips for Avoiding Identity Theft*

Identity Theft Affidavit

The FTC has recently made available an Identity Theft Affidavit to help you report fraudulent activity to many companies using just one form. The form can be found at: www.consumer.gov/idtheft/affadavit.htm

Internal Revenue Service (IRS) – www.irs.gov

The IRS is responsible for administering and enforcing the internal revenue laws. If you believe someone has assumed your identity to file federal Income Tax Returns, or to commit other tax fraud, call toll free: 1-800-829-0433. For assistance to victims of identity theft schemes who are having trouble filing their correct returns, call the IRS Taxpayer Advocates Office, toll free: 1-877-777-4778.

U.S. Secret Service (USSS) – www.treas.gov/usss

The U.S. Secret Service is one of the federal law enforcement agencies that investigates financial crimes, which may include identity theft. Although the Secret Service generally investigates cases where the dollar loss is substantial, your information may provide evidence of a larger pattern of fraud requiring their involvement. Local field offices are listed in the Blue Pages of your telephone directory.

- Financial Crimes Division – www.treas.gov/usss/financial_crimes.htm

- Frequently Asked Questions: Protecting Yourself www.treas.gov/usss/faq.htm

Social Security Administration (SSA) – www.ssa.gov

SSA may assign you a new SSN – at your request – if you continue to experience problems even after trying to resolve the problems resulting from identity theft. SSA field office employees work closely with victims of identity theft and third parties to collect the evidence needed to assign a new SSN in these cases.

SSA Office of the Inspector General (SSA/OIG) – the SSA/OIG is one of the federal law enforcement agencies that investigate cases of identity theft.

Direct allegations that an SSN has been stolen or misused to the SSA Fraud Hotline. Call: 1-800-269-0271; fax 410-597-0118; write: SSA Fraud Hotline, P.O. Box 17768, Baltimore, MD 21235; or e-mail: oig.hotline@ssa.gov

U.S. Postal Inspection Service (USPIS) – www.usps.gov/websites/depart/inspect

The USPIS is one of the federal law enforcement agencies that investigate cases of identity theft. USPIS is the law enforcement arm of the U.S. Postal Service. USPIS has primary jurisdiction in all matters infringing on the integrity of the U.S. mail. You can locate the USPIS district office nearest you by calling your local post office or checking the list at the web site above.

U.S. Securities and Exchange Commission (SEC) – www.sec.gov

The SEC's office of Investor Education and Assistance serves investors who complain to the SEC about investment fraud or the mishandling of their investments by securities professionals. If you've experienced identity theft in connection with a securities transaction. Write: SEC, 450 Fifth Street, NW, Washington, DC 20549-0213. You also may call 202-942-7040 or send an e-mail to help@sec.gov.

U.S. Trustee (UST) – www.usdoj.gov/ust

If you believe someone has filed for bankruptcy using your name, write to the U.S. trustee in the region where the bankruptcy was filed. A list of the U.S. Trustee's Regional Offices is available on the UST web site, or check the Blue Pages of your phone book under U.S. Government – Bankruptcy Administration. Your letter should describe the situation and provide proof of your identity. The U.S. Trustee, if appropriate, will make a criminal referral to criminal law enforcement authorities if you provide appropriate documentation to substantiate your claim. You also may want to file a complaint with the U.S. Attorney and/or FBI in the city where the bankruptcy was filed.

The U.S. Trustee does not provide legal representation, legal advice or referrals to lawyers. That means you may need to hire an attorney to help convince the bankruptcy court that the filing is fraudulent. The U.S. trustee does not provide consumers with copies of court documents. Those documents are available from the bankruptcy clerk's office for a fee.

State and Local Governments

Many states and local governments have passed laws related to identity theft; others may be considering such legislation. Where specific identity theft laws do not exist, the practices may be prohibited under other laws. Contact your State Attorney General's office (for a list of state offices, visit www.naag.org) or local consumer protection agency to find out whether your state has laws related to identity theft, or visit www.consumer.gov/idtheft/

356.01 PRO Registering Sex Offenders.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 356.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

356.01 PRO -- REGISTERING SEX OFFENDERS

Action by: *Action:*

OFFICER

1. **Obtains** a copy of the Sex Offender registration form, located at Records or at Jackson County Jail.

2. **Obtains** personal identification from the registrant and makes 2 photocopies.

    a. Identification must list an address and have a photograph of the suspect.
    b. If registrant's address is listed as "transient," they must report the exact location they are sleeping / staying at.

3. **Enters** registrant's Oregon SID on the form, if he has one.

    a. If registrant does not have a SID number, have him fingerprinted at Jackson County Sheriff's Department on a red FBI print card.
    b. Obtain 2 sets of fingerprints.

4. **Obtains** 2 frontal views, close-up

    a. Digital photographs; or
    b. Jail booking photographs (if taken involving this arrest).

A new jail booking photo must be taken each time the suspect is arrested, to be submitted for registration.

If registrant is a juvenile, obtain one photograph, only.

5. **Completes** the rest of the SOR form (ink or typewritten).

6. **Requests** the registrant read the Sex Offender Registration Obligation Notification on the back of the form.

    a. Both registrant and witness completing the form must sign the form. When completing a registration at the jail, the registrant signs the front of the first page and the rear of every page.
    b. If registrant refuses to sign the form, advise the registrant that ORS requires the registrant to sign the form to complete the registration process.
    c. If the registrant still refuses to sign the form, initiate a criminal investigation (as directed in the SOR Manual), or phone the Sex Offender Unit.

7. **Presents** the registrant with the "Registrant's copy" of the form and submit the form to Records with any appropriate police report. The registration form, photograph and fingerprint card (if needed) should be submitted directly to a Records Specialist before the end of his/her shift. The paperwork should not be submitted into the officer's team report tray.

8. **May arrest** sex offenders for violation of ORS 181.807:

    a. Failure to register annually within 10 days of his birthday;
    b. Failure to report any residential address change within 10 days;
    c. Failure to report a change in school enrollment, in addition to residence, within 10 days (if the student is an out-of-state resident);
    d. Non-resident workers who fail to report a change of employment within 10 days (following 14 calendar days of employment or any other in-state change of employment);
    e. Residents or non-residents who fail to report a change in attending as a student, or change in vocation or employment at an institution of higher education;
    f. Out-of-state sex offenders who arrived in Oregon after 090995 within 10 days after being notified of the requirement by a law enforcement agency;
    g. A sex offender, who fails to provide information, gives false information, refuses to be photographed or sign the SOR form.

The crime of failure to provide complete and accurate information occurs immediately upon completion of the registration.

The address listed in LEDS files is the current address and must be updated by the registration information. Such address cannot be a P.O. box or other mail drop location. If the registrant is transient, their rural camping area must be described in detail. Registrants must register within 10 days of changing residence locations.

The "date of last contact" is the last date the registrant registered with a law enforcement agency.

If the form is not signed, then question the registrant's knowledge of the registration requirements. If the registrant was previously aware of the requirement, but hasn't signed the form, the registrant can be charged with Failure to Register.

Some resident registrants report to Medford Police Department to report a change in employment. Such information may be e-mailed to the Oregon State Police Sex Offender Registration Unit. A new registration form in such case is not required by law.

An ***"institution of higher education"*** as used here includes all public and private colleges and universities, community colleges and trade schools.

9. **Documents** reports of arrests of sex offenders, which include the following information:

    a. An indication of the LEDS / ESX hit which identifies the registrant as a registered sex offender in Oregon.
    b. Registrant's awareness that he is aware of the requirement to register annually.
    c. An indication of the last date the registrant filed a registration, and the listed address provided.
    d. Any documentation of the efforts to locate the registrant, and proof he could not be located at the previous listed address.

10. **<u>Submits</u>** completed registration, fingerprint card (if required), and photograph to a Records Specialist prior to end of watch.

Do not submit the completed sex offender registration forms together with the Incident Report.

804.07 PRO Seizure of Explosives and Flammables.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.07 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.07 PRO -- SEIZURE OF EXPLOSIVES & FLAMMABLES

1. **Explosive devices (including blasting caps) shall not be brought to the Property Control facility.**

Such devices shall only be handled and disposed of by experts, trained in the handling and disposal of such devices. Ordinarily, OSP is called to handle such devices.

2. **Small amounts of commercially sold fireworks may be temporarily stored in the utility box in the Property Control compound.**

Firecrackers, cherry bombs and similar black-market-type fireworks shall not be stored at Property Control, but turned over to OSP for disposal as any other explosive device.

3. **Flammable liquids (such as gasoline cans) may be temporarily stored in the utility box in the Property Control compound.**

Such containers must be airtight and kept separated from other flammables.

Small airtight propane bottles may be stored in evidence at Property Control.

313.02 PRO Photo Enforcement Program Firearm Check Out Check In Procedure.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 313.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

313.02 PRO – Photo Enforcement Program Firearm Check-Out/Check-In Procedure

Action by: *Action:*

RESERVE OFFICER

1. **Unlocks** the safe in the MPD Armory by entering the code on the keypad.

2. **Ensures** the handgun and spare magazine in the safe are "duty ready" (magazine is engaged in handgun with one round in the chamber).

3. **Removes** the handgun from the safe and places the handgun in their department issued holster worn on their person.

4. **Removes** the spare magazine from the safe and places the magazine in a department issued holster worn on their person.

5. **Prints** the reserve officer's name, date, and "Check-Out" time on the Photo Enforcement Program Firearm Check-Out/Check-In Sheet with the date and time the handgun was removed from the safe.

6. **Removes** the handgun from the holster at the end of your scheduled courtroom shift and secures it in the safe along with the extra magazine.

7. **Completes** the "Check-In" box on the Photo Enforcement Program Firearm Check-Out/Check-In Sheet.

MEDFORD
OREGON

PHOTO ENFORCEMENT PROGRAM FIREARM

CHECK-OUT/CHECK-IN SHEET

OFFICER	DATE	CHECK-OUT TIME	CHECK-IN TIME

1062.07 PRO Appropriate Ceremonial Honors.pdf

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1062.07 PRO
APPROPRIATE CEREMONIAL HONORS

RETIREE DEATH

- Honor Watch
- Presentation of colors/National Anthem of US
- Pipes
- Mourning bands during memorial service only
- Flag draped casket (only if military veteran)
- Flag fold (only if military veteran)
- Taps (only if military veteran)

ACTIVE SERVICE BUT NOT LINE OF DUTY DEATH

- Vehicle processional
- Honor Watch
- Presentation of colors/National Anthem of US
- Rifle or bell salute
- Pipes
- Mourning bands during memorial service only
- Flag draped casket (only if military veteran)
- Flag fold (only if military veteran)
- Taps (only if military veteran)

LINE OF DUTY DEATH

- Vehicle processional
- Crossed ladders with barracks flag
- Riderless horse
- Honor Watch
- Cordon of Honor
- Presentation of colors/National Anthems of US and Canada (If Canadian LE present)
- Rifle or bell salute
- Flag draped casket (flag drape officer's remains as soon as practicable after death)
- Flag fold
- Taps
- Pipes
- Last radio call
- Mourning bands by all agencies statewide through sundown on day of memorial service
    - Affected agency continues to wear mourning bands for 72 hours following interment

1062.04 PRO Agency Liaison Officer.pdf

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1062.04 PRO
AGENCY LIAISON OFFICER

An Agency Liaison Officer (ALO) will be appointed to fulfill specific responsibilities related to department support and family assistance. This position is usually assigned to a command level officer because of the need to effectively coordinate resources throughout the department, and not necessarily related directly to the memorial service. The ALO shall be relieved of all other duties in order to focus on their role during this time frame.

The ALO is responsible for keeping agency personnel informed regarding the line of duty death and being aware of officers that may have been negatively affected by the incident or death. The ALO is the contact for outside agencies and regulates information dissemination within and outside of the Agency. The ALO must work in concert with the other key members of the Oregon Fallen Badge Foundation (OFBF) Line of Duty Death Response Team (LODDRT), including the Incident Commander, the Family Liaison Officer, Line of Duty Death Coordinator, and the Family Support Coordinator on matters preceding the memorial service, and on matters occurring during and immediately after the service. The ALO has responsibility for the officer's personal affects as well as coordinating related follow up care for the family.

Responsibilities include, but are not limited to:

Administrative/Priority Tasks:

- Contact Human Resources or the Benefits Coordinator to determine the officer's next of kin and beneficiary designees. Ascertain other funeral information contained on file

- Coordinates with the hospital to ensure all invoices for care are sent to the agency's billing department and not to the family

- Ensures a separate waiting area for the family at the hospital (but not isolated from the department waiting area)

- Coordinate with peer support to offer assistance to all officers involved in the incident and other officers or personnel who may be emotionally affected by the serious injury or death of another officer

- Time off for involved officers should be considered

- Explain Department procedures, investigations and the criminal justice system to the family as may be necessary in coordination and with the assistance of the Family Liaison Officer

- Work with the Operations Section of the LODDRT to assign one or more uniformed officers to remain at the family home at all times through the immediate

aftermath, especially while the family is away during any hospitalization of the fallen officer and during the viewing, funeral, and committal services

• If the family desires a burial in uniform, arrangements should be made with the Logistics Section to have it available

• Coordinate with the Family Liaison Officer the delivery of the officer's personal belongings to the family. Scrutinize property for any inappropriate material

ALO Follow-Up / Aftercare:
The Department must ensure that the family is not forgotten after the memorial service, and must remain sensitive to the needs of the survivors long after the officer's death. The grief process has no timetable and survivors may develop a posttraumatic stress reaction to the tragedy. Outreach to the surviving family must be continued for as long as the family feels the need for support. The Family Support Coordinator from Concerns of Police Survivors (C.O.P.S.) will assist in aftercare.

• Arrange for routine residence checks by patrol officers/deputies of the surviving family's home for at least 6-8 weeks following the funeral. This service is necessary because insurance settlements are passing through the home. The survivors are likely to be spending a lot of time away from home on legal matters. Feelings of vulnerability are high.

• Invite family to yearly memorial services, events and balls and provide seating for them as a collective group that includes surviving families from surrounding areas

• Remember the children of both current marriage and past marriages. Send birthday cards to all of the children until asked not to by the child or the surviving parent

• Contact families of fallen officers within the agency and other nearby agencies to inform them of another line of duty death (LODD) in a timely fashion. Assistance and support from OFBF and C.O.P.S. are encouraged

• Arrange through OFBF and C.O.P.S. communication between survivors and new survivors from other agencies

• Provide an escort for agency survivors who attend other agencies' LODD funerals

• Assign a representative within the agency to call and check up on the family. This may be the Family Liaison Officer

• Make the family aware of services through OFBF, C.O.P.S., the Employee Assistance Program, Crime Survivor Services referrals and the Department chaplain

• A telephone call to survivors should be attempted at least once a month, for the

first year after the death

• The Department, during the first year after the death, should acknowledge birthdays, anniversaries, and holidays. Increased contact and additional support is important at these times

• Include the family at social gatherings

• Be sure to acknowledge the first anniversary of the death. Examples:

a. Send flowers to the spouse (significant other) and the parents.

b. Make a telephone call to the family acknowledging the date.

c. Arrange for an informal gathering at the gravesite and notify department personnel of these plans. Acknowledging the anniversary of the death is important for the healing of personnel.

d. The Chief of Police should observe the first anniversary of the death with a short note to the family, spouse/significant other, and parents.

e. After the first anniversary, a card should be sent to the family on following anniversaries of the officer's/deputy's death. The family needs to know the Agency has not forgotten their loved one.

f. Continue care and contact with the family until they sever it.

g. After the death and memorial do not ignore family members out of fear of not knowing what to say or do. Be sure to acknowledge a survivor in some way.

401.02 PRO Abating Drug and Blight Houses.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 401.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

401.02 PRO -- ABATING DRUG & BLIGHT HOUSES

Action by: *Action:*

ORDINANCE COMPLIANCE COORDINATOR

1. **Receives** complaint on a drug / blight house on the Code Compliance Line (x-2016), or from the Code Enforcement Coordinator.

2. **Forwards** complaint involving the following problems at a specific location to the designated Community Affairs Officer:

    a. Numerous code violations;
    b. Involving extensive clean-up;
    c. Involve suspicion of narcotics activity; or
    d. Are very time-consuming problems.

COMMUNITY AFFAIRS OFFICER

3. **Obtains** police reports and other information on the location.

4. **Consults** with MADGE to determine if any investigations are current at that location.

    a. **Delays** further action if either unit has pending investigations at that location.

5. **Visits** the location and investigates to identify violations.

    a. **May contact** the occupants for permission to inspect interior properties.

    b. **Photographs** evidence of violations.

6. **Researches** to identify the property owner from tax records or other available resources.

7. **Drafts** a letter identifying violations and sends via certified mail to all property owners.

The letter shall state the problem, present time limits for compliance, and describe civil penalties for non-compliance.

8. **Makes** contact with property owners to negotiate a reasonable time period to correct violations.

9. **Assembles** a Special Multi-Agency Response Team (SMART Team) if violations are not corrected.

Team agencies may include (but are not limited to):

a. City Planning Department
b. City Building Department
c. City Fire Department
d. City Public Works
e. City Code Enforcement
f. County Health Department
g. County Vector Control
h. County Housing Authority
i. County Animal Control
j. State Services to Children & Families
k. State Department of Fish & Wildlife
l. Any other public or private agency deemed appropriate to enforce code violations, based on the specific problem.

10. **Visits** the location with the assembled SMART Team.

The property owner or representative may be asked to accompany the SMART Team during the inspection.

11. **Monitors** compliance with identified violations.

12. **Refers** non-compliance issues back to the appropriate agency for enforcement action.

13. **<u>Forwards</u>** case to the City Attorney's office in the event of non-compliance.

The City Attorney's office may file civil suit to abate the nuisance per ORS 105.555 to 105.580.

312.04 PRO Pistol Qualification Course.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 312.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

312.04 PRO -- PISTOL QUALIFICATION COURSE

35 Rounds

31 Body Shots
4 Head Shots

PHASE 1 - 5 Rounds:

1. Officer loads a three (3) round magazine with full magazine ready.
2. Starting at the 10 yard line, on the command of “threat,” the officer will draw and fire one (1) round while walking toward the 7 yard line.
3. At the 7 yard line, the officer will kneel behind the barrel and fire two (2) rounds on the strong side.
4. The officer will combat reload then fire two (2) rounds from the weak side.
5. All rounds must be to the body.
6. Time limit: 15 seconds

PHASE 2 - 12 Rounds:

1. Officer loads a two (2) round magazine with full magazine ready.
2. Starting at the 7 yard line standing behind the barrel, on the command of “threat” the officer will draw and fire two (2) rounds.
3. The officer will then kneel behind the barrel, combat reload, and then move to the right and fire four (4) additional rounds.
4. The drill will then be repeated, moving to the left.
5. All rounds must be to the body.
6. Time Limit: 12 seconds each relay.

PHASE 3 - 6 Rounds:

1. Officer loads a full magazine.
2. At the 5 yard line in the ready position, on the command of “threat” the officer will move his body off line to the right and fire two (2) rounds to the body and one (1) round to the head.
3. The drill will then be repeated moving to the left.

4. NOTE: The officer should leave one foot planted while executing the two shots to the body.
5. Four (4) rounds to the body and two (2) rounds to the head.
6. Time Limit: 5 seconds each relay

PHASE 4 - 6 Rounds

1. Officer loads a magazine with at least six (6) rounds.
2. At the three (3) yard line the officer will start in a seated position with feet forward.
3. On the command of “threat,” officer will draw and fire three (3) rounds.
4. Keeping the muzzle pointed at the target, the officer will come to a standing position.
5. The officer will then fire three (3) additional rounds.
6. All six (6) rounds to the body.
7. Time Limit: 10 seconds.

PHASE 5 - 6 Rounds

1. Officer loads a magazine with at least six (6) rounds.
2. In a contact position (fighting stance) on the command of “threat,” the officer will draw and fire two (2) rounds from the hip.
3. The officer will then step back and fire one (1) round to the head.
4. NOTE: The head shot is a two hand grip.
5. The drill will then be repeated.
6. Four (4) rounds to the body and two (2) rounds to the head.
7. Time Limit: 3 seconds.

331.01 PRO Child Placement.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 331.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

331.01 PRO -- CHILD PLACEMENT

1. **Medford Police Department may remove children from a residence or custodial situation as a result of neglect, abuse, sexual abuse or other reason, where it would be in the best interest of the child to do so, pursuant to ORS 133.033 (Community Caretaking Function).**

The officer may select one or more of the following options most suitable for the situation:

a. Informal placement of the child (or children) with competent and trustworthy relatives (following mandatory criminal record checks of persons 18 years of age or older);
b. Securing the suspected offender's agreement to temporarily move out of the residence; or
c. Formal placement in a State or Oregon Department of Human Services approved foster care facility.

2. **In any case involving the placement of a child in temporary shelter, the officer shall:**

a. Obtain the current list of state approved foster care facilities from ECSO.
b. Complete a case report and Placement Form and fax a copy of both to DHS prior to 0900 hours on the following judicial business day. (FAX #541-776-6063).

If circumstances do not allow a FAX to be sent, the report may be called in to a screener at DHS at (541) 776-6120.

c. Contact a parent or legal guardian to notify them of the status of the child.

Advise the parent or guardian to contact DHS the next judicial business day for further information regarding the hearing.

3. ***DO NOT DISCLOSE THE LOCATION OF THE CHILD TO ANY RELATIVES OR ANYONE ELSE INVOLVED IN THE INVESTIGATION, OR IN ANY POLICE REPORTS, OTHER THAN ON THE PLACEMENT FORM, ITSELF.***

4. **Only officers certified in the interviews of children shall interview children in depth under terms of the Child Abuse Investigation Agreement contained within the Cooperative Policing Plan.**

1020.01 PRO Conducting Disciplinary Interviews.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 1020.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

1020.01 PRO -- CONDUCTING DISCIPLINARY INTERVIEWS

Action by: *Action:*

SUPERVISOR

1. **Interviews** the employee at a reasonable hour.

Interviews should be conducted when the employee is on-duty, unless the investigation is such that an immediate interview is required. If such interview does occur during the employee's off-duty time, the employee shall be compensated for such.

2. **Interviews** the employee at an office within the police facility or any other location agreeable to both parties.

3. **Informs** the employee prior to interview of the nature of the investigation.

The employee shall be notified of the name, rank, and command of the officer in charge of the investigation, the interviewing officers involved and all persons present during the interview. No more than two interviewers shall ask all questions directed to the employee.

4. **Advises** the employee of his Garrity rights, if appropriate.

5. **Allows** the employee being interviewed periods for rest and personal necessities as reasonably necessary.

6. **Treats** the employee being interviewed with dignity and respect at all times.

Employees being interviewed shall not be subjected to offensive language. No promise of threat or reward of disciplinary action shall be made as an inducement to answer or to elicit a specific response to any question.

7.

Shall not subject any employee to news media exposure.

No employee shall be ordered to submit to visits or interviews by any members of the news media. The employee's home address, phone number or photographs will not be given to the news media without the employee's express consent.

8. **Records** the complete interview of the employee.

This includes the identification by time of all rest periods. There shall be no unrecorded questions or statements. The supervisor shall provide a copy of the taped interview to the employee upon request. The employee may tape record the interview for his own use.

9. **Allows** the employee representation by a shop steward or other union representative of their choosing during any interview.

Reasonable accommodation should be made for that representation, unless circumstances necessitate that the interview must proceed with a representative other than the employee's choosing.

An employee is not entitled to legal representation during a disciplinary interview.

804.03 PRO Collecting Saliva Evidence.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.03 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.03 PRO – COLLECTING SALIVA EVIDENCE

Saliva stains are not usually evident from a visual examination. However, certain types of evidence frequently contain traces of saliva (e.g. cigarette butts, gummed surfaces of envelopes, chewing gum, bite marks, ski and / or nylon masks.

Action by: *Action:*

OFFICER

1. **Submits** the item intact (if possible); or
2. **Moistens** a sterile cotton swab with distilled or tap water;
3. **Shakes** the swab to remove excess water;
4. **Swabs** gently the suspected saliva stain;
5. **Air-dries** thoroughly the swab;
6. **Packages** in a paper envelope and seal (DO NOT LICK THE ENVELOPE SEALS AS THIS IS A SAFETY AND CONTAMINATION HAZARD);
7. **Collects** a separate sample from an unstained area in the same manner to use as a negative control.

COPS Financial Diary.pdf

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Your Personal/Financial Diary

An Aid for Your Family

Concerns of Police Survivors, Inc.
PO Box 3199
Camdenton, MO 65020
Office: (573) 346-4911
Fax: (573) 346-1414
www.nationalcops.org

- This is the personal financial diary of
- Social Security Number
- This diary was last updated on

We strongly suggest this diary be completed in pencil so it can be updated whenever necessary. We also suggest storing the book in a storage bag in your freezer so in case of fire in your residence, the diary will remain safe.

"YOUR PERSONAL/ FINANCIAL DIARY"

This handbook was developed in November 1995 to be used as an educational tool for Concerns of Police Survivors' national training sessions. These training sessions were planned to help agencies address the emotional aftermath following a law enforcement officer's death.

Concerns of Police Survivors, Inc., gives permission for this handbook to be copied by any person, agency, or organization. COPS would request, however, a credit line be given in the reproduced document.

This **Your Personal/Financial Diary** is a project of Concerns of Police Survivors, Inc. Printing and distribution of the document are funded through a grant from the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, grant #95-PS-CX-0001.

Production of this handbook was made easy by modeling it after the "Critical Incident Booklet" published by the Grand Lodge Fraternal Order of Police Auxiliary. Our thanks to them for taking on the task of producing such a booklet for law enforcement families.

INTRODUCTION

This personal financial diary was planned with the specific intention of giving law enforcement officers, who serve in a high-risk profession, the opportunity to organize their financial business so their families will have this information in an organized fashion should that officer be killed in the line of duty or die at an early age. However, this diary can be used by anyone to organize their personal/financial affairs.

Every day law enforcement officers tend to tedious paperwork. Writing detailed reports can make the difference in court cases, civil cases, and truly affect the outcome of occurrences in peoples' lives. Paperwork is a major part of the law enforcement officer's job.

Having worked with thousands of families that have lost officers in the line of duty, it has become apparent to Concerns of Police Survivors, Inc., that while law enforcement officers handle paperwork every day on the street, they are ***extremely lax*** at handling personal paperwork. You see, each year during National Police Week, a time when the law enforcement profession gathers to honor its fallen, we hear of 20 or more families whose officers ***forgot*** to up date their beneficiary forms. Imagine finding out after your law enforcement officer spouse has died that you're not listed as the beneficiary on insurance forms! Imagine finding out that although you've been married to this officer for seven years, the former spouse is still listed as beneficiary!

This is a hurt no family should have to suffer. This handbook is designed to address this violation of law enforcement officers' dependents. The diary also encourages those who take the time to organize their affairs to leave a letter stating why the spouse was not their beneficiary if that was their intent. It will eliminate many family traumas and will help the surviving family understand why the deceased left benefits to various individuals other than the spouse.

Take time with your spouse to sit down and complete **Your Personal/Financial Diary**. It will save you or your survivors hundreds of hours searching for legal and financial documents at some time in the future.

If you're a law enforcement officer, it's the least you can do for the family that loves you and supports you in your profession.

For additional copies, contact:

Concerns of Police Survivors, Inc.
PO Box 3199
Camdenton, MO 65020
573-346-4911 -- 573-346-1414 (fax)

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IN CASE OF EMERGENCY, THESE PEOPLE MUST BE NOTIFIED

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

Name: _____ Relationship: _____
Address: _____
Home Phone: _____ Work Phone: _____

IMPORTANT BUSINESS/PERSONAL CONTACTS

My Immediate Supervisor: _____
Employer: _____
Address: _____
Phone: _____

Spouse's Immediate Supervisor: _____
Employer: _____
Address: _____
Phone: _____

Personal Physician: _____
Phone: _____

Clergyman: _____
Church Affiliation: _____
Phone: _____

Attorney: _____
Phone: _____

Dentist: _____
Phone: _____

Accountant: _____
Phone: _____

Insurance Agent: _____
Insurance Company: _____
Phone: _____

Banker: _____
Bank Name: _____
Phone: _____

Broker: _____
Investment Company: _____
Phone: _____

Contact: _____
Phone: _____

PERSONAL DOCUMENTS/INFORMATION

My birth date is: _____

My birth certificate is located at: _____

I was born in: _____

My social security number: _____

I was married in: _____
On: _____ To: _____
Children from this marriage: _____
I was divorced on: _____ State of: _____

I was married in: _____
On: _____ To: _____
Children from this marriage: _____
I was divorced on: _____ State of: _____

Marriage certificate(s) are located at: _____
Divorce decree(s) are located at: _____

Children's birth certificates are located at: _____
Children's adoption papers are located at: _____

Children's Names	Date of Birth	Residence

I served in the Armed Forces: _____ Branch: _____
Service Serial Number: _____
Enlisted on: _____ At: _____
Discharge Date: _____ Discharge papers located at: _____

Personal Information (Continued)

Husband's relatives and addresses: (If deceased, indicate after their name)

1. Mother: _____
_____

2. Father: _____
_____

3. _____
_____

4. _____
_____

5. _____
_____

6. _____
_____

Wife's relatives and addresses: (If deceased, indicate after their name)

1. Mother: _____
_____

2. Father: _____
_____

3. _____
_____

4. _____
_____

5. _____
_____

6. _____
_____

Personal Information (Continued)

Grandchildren:

Name	Date of Birth	Their Parents

People who have special meaning to me:

_____
_____
_____
_____

BENEFITS THROUGH EMPLOYMENT

My employer is: _____
Address: _____
Phone Number of Benefits Division: _____

I began employment on: _____

The following benefits are provided through my employer:

1. _____ 4. _____
2. _____ 5. _____
3. _____ 6. _____

Health Care Coverage Provider: _____
Phone: _____ Policy #: _____

Dental Care Provider: _____
Phone: _____ Policy #: _____

Eye Care Provider: _____
Phone: _____ Policy #: _____

Disability Insurance Provider: _____
Phone: _____ Policy #: _____

Files bearing employment documents are located at: _____

BANK ACCOUNTS AND INVESTMENTS

You may want to set up a TOD (transfer on death) on your bank accounts. This will enable your designee to continue to pay current bills and handle expenses until death benefits and/or insurance proceeds have been received by your beneficiary. Check with you financial institution for their procedures to set up a TOD on your accounts.

Checking Account #: _____ Bank: _____
Signatories are: _____
Checkbook is kept at: _____

Checking Account #: _____ Bank: _____
Signatories are: _____
Checkbook is kept at: _____

Savings Account #: _____ Bank: _____
Signatories are: _____
Passbook is kept at: _____

Savings Account #: _____ Bank: _____
Signatories are: _____
Passbook is kept at: _____

Savings Account #: _____ Bank: _____
Signatories are: _____
Passbook is kept at: _____

Certificate of Deposit #: _____ Bank: _____
Signatories are: _____
Certificate is kept at: _____

Certificate of Deposit #: _____ Bank: _____
Signatories are: _____
Certificate is kept at: _____

Safe Deposit Box #: _____ Bank: _____
Safe Deposit Box is accessible to: _____
Key is kept at: _____

Investment/Stock portfolio is located at: _____
Bonds portfolio is located at: _____
IRA certificate and file is located at: _____
401(k) Retirement file is located at: _____
Pension (company funded) file is located at: _____

MEDICAL AND DISABILITY INSURANCE

Medical Insurance is provided to me through my work. Yes ☐ No ☐

This is the name of the office/person at my place of employment regarding medical insurance issues: _____

Phone: _____

I have personally acquired medical insurance through the following companies:

_____

_____

Location of policies: _____

You may need to talk with the State Workers' Compensation office at:

_____

Phone: _____

CREDIT CARDS

I have credit cards with the following companies:

Name	Account Number	Location of Statements	Is Insurance Provided?

TAX RETURNS

Copies of my income tax returns are located at: _____

_____

Current withholding tax forms and receipts received from my employer at located at:

_____

All worksheets and evidence in support of the returns are attached to the returns:
Yes ☐ No ☐ Worksheets are located at: _____

MY PERSONAL BUSINESS VENTURES

I own or have an interest in (name of business): _____
Address: _____
In partnership/co-ownership with: _____
Address: _____ Phone: _____
The contract concerning the business arrangement is located at: _____
Percentage of my share of the business is: _____

Tax papers for the business are located at:

REAL ESTATE

My residence address is: _____

I own my own residence: Yes ☐ No ☐

My landlord is: _____

Ownership Title bears the names of: _____

The mortgage on the property is held by: _____

The mortgage payment records are located at: _____

The mortgage agreement carried life insurance coverage: Yes ☐ No ☐

Homeowner's insurance papers are located at: _____

The insurance broker is: _____

Tax paperwork on my residence is located at: _____

I own other real estate at: (list addresses)

_____
_____
_____

Deeds, mortgage information, tax documents and payment records are located at:

_____

TRUST FUNDS

I have established a living trust for the benefit of: _____

It was established on: _____

The Trust Agreement is located at: _____

The Trustees are: _____

The attorney who drew up the Agreement is: _____

I am a beneficiary under a trust established by: _____

Papers are located at: _____

If I die, my heirs are beneficiaries of trust funds established by: _____
_____

Papers are located at: _____

PERSONAL DEBTORS AND CREDITORS

The following owe money to me: _____
_____

Exclusive of secured loans, I owe to the following: _____
_____

I have the following loans covered by borrowers' life insurance: _____
_____

Copies of notes, loan agreements and receipts are located at: _____
_____

Are there any law suits you are involved in either as the plaintiff or defendant?
Yes ☐ No ☐
Name of Attorney: _____ Phone: _____

HOMEOWNER'S AND MORTGAGE INSURANCE

Company	Contact	Phone	Location of Paperwork

AUTOMOBILES AND AUTO INSURANCE

Make	Model	Year	Registered to	Status of Ownership

Company name of auto insurer _____
Agent's Name _____ Phone _____

BOATS, TRAILERS, OR OTHER MOTOR CRAFTS AND INSURANCE

Make	Model	Year	Registered to	Status of Ownership

OTHER INSURANCE

Often credit cards, credit unions, travel agencies, etc. carry insurance policies on clients. List various sources that provide this benefit:

_____
_____
_____
_____

MY LIVING WILL

Individuals may execute a "living will" that instructs family members and physicians to not take extraordinary steps to continue your life on life-support machines. You should investigate the legality of the "living will" within your state and take steps to execute the "living will" if you do not chose to be kept alive through mechanical means.

☐ I have not executed a "living will"

☐ I have executed a "living will"

Since copies of living wills may not be acceptable in some states, an ***original, signed*** copy of my living will is readily accessible at: _____
Additional copies of my "living will" are on file with my personal physician, attorney, and with my will.

MY WILL

Your will should address special requests on how you would like insurance money to be spent, who you would like to have your prized possessions, etc. By providing this information in a will, your wishes can be upheld in court. Otherwise, your primary beneficiary will have total control of your assets/possessions. However, if this information is not included in your will, there is a section in this handbook for that information to be provided.

I do not have a will. _____. (Often time's families incur additional emotional, legal and financial burdens when a loved one dies without having executed a will. We strongly suggest this be a task that you address as soon as possible.)

I have a will that is located at: _____

The Attorney who handled my will is _____
at the law firm of _____
Phone number: _____

My last will is dated: _____

The Executor is: _____

ORGAN DONATION

☐ I do not want any of my organs donated.

☐ I would like to have organs donated for transplant.

☐ I would like to donate the following organs for transplant/research:

_____

FUNERAL DETAILS

Church Preference: _____ Religious Affiliation: _____
Clergyman: _____ Phone: _____

Funeral Home to be used: _____
Phone: _____ I have a pre-paid burial plan. Yes ☐ No ☐
Contact: _____
(Some funeral homes provide free burial services to a law enforcement officer killed in the line of duty. Check on this benefit through your agency.)

Service to be held at:
Funeral Home _____ Name of Funeral Home: _____
Church _____ Name of Church: _____

I prefer: Interment ☐ Entombment ☐ Cremation ☐

My choice of cemetery is: _____
☐ I have purchased a lot. ☐ I have not purchased a lot.
Lot is in name of: _____
Section _____ Lot _____ Block _____
Location of deed for lot: _____

If interment is in another city, give information on the receiving funeral home:

Name: _____ Phone: _____
Address: _____

Pallbearers: _____ _____
_____ _____
_____ _____

If cremated, what do you wish done with your ashes? _____

Obituary: Yes ☐ No ☐

Please list the following in my obituary: _____
_____
_____
_____
_____

I am entitled to Veterans Benefits: Yes ☐ No ☐
I entitled to Military Honors: Yes ☐ No ☐
I would like a "Lodge" service: Yes ☐ No ☐
By: _____
_____
_____
_____

Flowers: Yes ☐ No ☐ Disposal of flowers: _____
Donations in lieu of flowers to: _____

Musical selections: _____
_____
Special requests for service: _____
_____

SPECIAL FINAL REQUESTS

As stated earlier in this handbook, special final requests should be addressed in one's will so your wishes will be upheld by a court of law. If you have not addressed these special final requests in a will, your primary beneficiary will have total control of your assets/possessions for final disposal. We strongly recommend addressing these issues in your will. If you choose not to, however, complete this section to alleviate your family of the decisions that might need to be made in your behalf.

This is how I would like insurance settlement money to be spent: _____
_____
_____
_____

This is how I would like real estate to be handled: _____
_____
_____
_____

This is how I would hope my family would continue/improve their relationships:
_____
_____
_____
_____
_____
_____

These are my prized possessions and how I would like them to be distributed:

Item	Given to

I would like my clothing and other general personal effects distributed in this manner:

_____
_____
_____
_____
_____
_____
_____

Other special wishes: _____
_____
_____
_____
_____
_____

LIFE INSURANCE POLICIES

To insure easy access to actual policies, beneficiaries, etc., all policies owned should be kept together in a safe place. Premium receipts, loan information, and settlement agreements on these policies should also be filed with the policy.

Location of policies: _____

I have made loans against the following policies: _____
_____

I also own annuity contracts: Yes ☐ No ☐

Location of contracts: _____

My principal life insurance advisor is listed in "Important Business/Personal Contacts".

Other insurance advisors include:

Name: _____ Company: _____
Phone:

Name: _____ Company: _____
Phone: _____

The National Insurance Consumer Help Line can search 100 of the largest life insurance companies for policies of individuals. (Keep in mind there are over 2,000 insurance companies in existence.) There is a charge for this search and it may take up to six months to complete. For more information you can visit www.iii.org

I also belong to the various social/fraternal organizations that carry insurance for their membership:

Organization: _____ Contact: _____
Address: _____ Phone: _____

Organization: _____ Contact: _____
Address: _____ Phone: _____

Organization: _____ Contact: _____
Address: _____ Phone: _____

Organization: _____ Contact: _____
Address: _____ Phone: _____

OTHER CONSIDERATIONS

This handbook was planned to save as much heartache as possible immediately following the death of a loved one. All the planning and preparation in the world, however, won't save a family serious heartache if someone chooses to keep information about their life from family members. Often times after someone dies, family members are shocked to find out there are other children from outside the marriage and other significant others.

To save your spouse or other family members this heartache and torment, it is suggested that you write a letter to be opened upon your death that will tell your family about the issues you felt you could not discuss with them during your lifetime.

Additionally, we recommend that you discuss with your spouse the beneficiary listings you have chosen on various insurance policies. This will help alleviate the family upheavals that seriously affect the grief process when family members doubt that you meant to leave benefits to the people who received those benefits.

Be proactive and address these issues before it's too late.

AGENCY SHEET

If the person completing this booklet is a law enforcement officer, this page can be completed and filed with your enforcement agency in your personnel file.

Officer's Name: _____
(Last) (First) (Badge/ID Number)
Social Security Number: _____ Date of Birth: _____

In case of death or serious injury, have a department representative contact:

	Name	Day Address	Evening Address	Phone
Spouse:				
Mother:				
Father:				
Closest Relative:				
Former Spouse(s):				

My best friend on the department is and I would like him (her) to accompany anyone sent to give injury/death notice to my family.
My best friend's address is: _____
Phone number: _____
I want _____ to serve as the liaison officer with my family.

The following members of my family have health concerns that the department should be aware of:

_____
_____

My family is aware of the beneficiaries listed on all my department insurance forms.
Yes ☐ No ☐
I have a letter written to my family explaining why I have named certain beneficiaries on my policies. Yes ☐ No ☐

I would like full law enforcement honors if killed in the line of duty. Yes ☐ No ☐

Suggested pallbearers:

_____ _____
_____ _____
_____ _____

804.14 FRM Weapons Ownership Inquiry.pdf

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CITY OF MEDFORD
PROPERTY & EVIDENCE DIVISION
821 N. COLUMBUS AVE.
MEDFORD, OR 97501

Medford Police Dept.
Property & Evidence Division

PHONE: (541) 774-2662
Web Page: police@ci.medford.or.us

December 13, 2016

Pawnshop
1234 Main Street
Anywhere, USA

Re: (firearm description)
Defendant:
Case #:

Dear Sirs:

Medford Police Department Property and Evidence section currently holds the above listed firearm, which has been released by the court to be forfeited for destruction or otherwise disposed of. This weapon will be held for 30 days from the date of this letter to determine if any other persons may have a proprietary interest in the weapon, pursuant to Medford Municipal Code 2.910.

You may respond to this letter to justify your ownership of the weapon. You are also asked to produce copies of any documents, or receipts that support your justification of ownership. Responses to this letter should be received at the Property and Evidence Unit within 30 days. If there are no responses to the inquiry within 30 days, the weapon shall be destroyed.

If you have been awarded compensation from the court in this case, you will have forfeited all interest in the weapon.

Sincerely,

Medford Police Department
Property & Evidence Section

RANDY SPARACINO
CHIEF OF POLICE

804.14 FRM
102113

804.15FRMREVISED .pdf

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CITY OF MEDFORD

POLICE DEPARTMENT

FIREARM RETURN AFFIDAVIT

Case #_____Firearm: _____

I, _____, by my signature I certify the following to be true:

1. I am at least 18 years of age; [ORS 166.470 (1) (A);fed 18 U.S.C. Chapter 44 922 (b)(1)]

2. I do not have any outstanding felony warrants for arrest; [fed 18 U.S.C. Chapter 44 922 (g)/(2); ORS 166.470 (1)(c)]

3. I am not under indictment or information in any court of a crime punishable by imprisonment for a term exceeding one year; [fed 18 U.S.C. Chapter 44 922 (n)]

4. I have not been convicted of a felony in any state outside of Oregon; [fed 18 U.S.C. Chapter 44 922 (g)(1); ORS 166.470 (1)(b)]

5. I have not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; {fed 18 U.S.C. Chapter 44 922 (g)(1)]

6. I have not been convicted of a felony in Oregon or found guilty, except for insanity under ORS 161.295, of a felony; [ORS 166.250 (1)(C)]

7. I have not been convicted of a misdemeanor involving violence or found guilty, except for insanity under ORS 161.295, of a misdemeanor involving violence within the previous 4 years described as: Assault 4th Degree; Menacing; Reckless Endangering; Strangulation; Intimidation 2nd Degree under ORS 163.160, ORS 163.187, ORS 163.190, ORS 163.195, or ORS 166.155 (1)(b); [ORS 166.470 (1)(g)]

8. I am not a fugitive from justice; [fed 18 U.S.C. Chapter 44 922 (g)(2)]

9. I am not free on any form of pre-trial release for a felony from any state; [fed 18 U.S.C. Chapter 44 922 (g)(2); ORS 166.470 (1)(d)]

10. I am not currently on any form of probation, parole or other court-supervised release for any violation from any state which precludes me from possessing firearms; [ORS 137.540 (1)(l)]

11. I am not an unlawful user of or addicted to any controlled substances as defined in section 102 of the Controlled Substances Act, Title 21 United States Code § 802; [fed18 U.S.C. Chapter 44 922 (g)(3)]

12. I have not been convicted of any misdemeanor involving domestic violence in any state; [fed 18 U.S.C. Chapter 44 922 (g)(9)]

13. I am not under a court order in any state that restrains me from harassing, stalking, threatening an intimate partner or child of an intimate partner or in any other way prohibiting bodily harm to any person, or engaging in any conduct that would place that person in reasonable fear of bodily injury; [fed 18 U.S.C. Chapter 44 922 (g)(8)]

14. I have not been committed to the Oregon Health Authority under ORS 426.130; [fed U.S.C. Chapter 44 922 (g)(4); ORS 166.250 (1) (c) (E); ORS 166.470 (1)(e)]

15. Since January 1, 1990, I have not been found to be mentally ill and subject to an order under ORS 426.130 that would prohibit me from purchasing or possessing a firearm as a result of that mental illness; [ORS 166.250 (1) (c) (F); ORS 166.470 (1)(f)]

16. I have not been adjudicated as a mental defective or been committed to a mental institution in any state; [fed 18 U.S.C. Chapter 44 922 (g)(4)]

17. I am not an alien illegally or unlawfully in the United States; [fed 18 U.S.C. Chapter 44 922 (g)(5)]

18. Being a citizen of the United States, I have not renounced my citizenship; [fed 18 U.S.C. Chapter 44 922 (g)(7)]

19. I have not been dishonorably discharged from the Armed Forces; and [fed 18 U.S.C. Chapter 44 922 (g)(6)]

_____ Initials

20. I hereby acknowledge and understand that under ORS 166.470 and 18 United States Code 44 § 922 (g), I may not intentionally sell, deliver or otherwise transfer possession of any firearm to any person(s) I know or reasonably should know who is disqualified from possessing a firearm under any of the aforementioned listed terms, including the following person:

Name:_____ DOB:_____

21. All persons employed within my business shall be notified that the above person named on line #20 is prohibited from possessing firearms. [ORS 166.250 (2)(b)]

I, _____, certify that I have read, understand, acknowledge and agree to comply with all terms of this affidavit and that all of my responses are truthful. I understand that any false statement(s) made by me in connection with the release of this firearm constitutes a violation defined as Unsworn Falsification, a class B misdemeanor under ORS 162.085. I am also aware that delivery or transfer of possession of a firearm to a person prohibited from possessing firearms constitutes a violation of ORS 166.470, a class A misdemeanor.

Name printed:_____Signature:_____

Witness: _____ Date:_____

Copy of document was provided: _____

OREGON REVISED STATUTES

137.540 Conditions of Probation. (1) The court may sentence the defendant to probation subject to the following general conditions unless specifically deleted by the court. The probationer shall:
(L) Not possess weapons, firearms or dangerous animals.

161.295 Effect of mental disease or defect; guilty except for insanity. (1) A person is guilty except for insanity if, as a result of mental disease or defect at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law.

(2) As used in chapter 743, Oregon Laws 1971, the terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct, nor do they include any abnormality constituting solely a personality disorder. [1971 c.743 §36; 1983 c.800 §1]

162.085 Unsworn falsification. (1) A person commits the crime of unsworn falsification if the person knowingly makes any false written statement to a public servant in connection with an application for any benefit.

(2) Unsworn falsification is a Class B misdemeanor. [1971 c.743 §185]

163.160 Assault in the fourth degree. (1) A person commits the crime of assault in the fourth degree if the person:

(a) Intentionally, knowingly or recklessly causes physical injury to another; or

(b) With criminal negligence causes physical injury to another by means of a deadly weapon.

(2) Assault in the fourth degree is a Class A misdemeanor.

(3) Notwithstanding subsection (2) of this section, assault in the fourth degree is a Class C felony if the person commits the crime of assault in the fourth degree and:

(a) The person has previously been convicted of assaulting the same victim;

(b) The person has previously been convicted at least three times under this section or under equivalent laws of another jurisdiction and all of the assaults involved domestic violence, as defined in ORS 135.230; or

(c) The assault is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim.

(4) For the purposes of subsection (3) of this section, an assault is witnessed if the assault is seen or directly perceived in any other manner by the child. [1977 c.297 §5; 1997 c.694 §1; 1999 c.1073 §1]

163.187 Strangulation. (1) A person commits the crime of strangulation if the person knowingly impedes the normal breathing or circulation of the blood of another person by:

(a) Applying pressure on the throat or neck of the other person; or

(b) Blocking the nose or mouth of the other person.

(2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or good faith practices of a religious belief.

(3) Strangulation is a Class A misdemeanor. [2003 c.577 §2]

163.190 Menacing. (1) A person commits the crime of menacing if by word or conduct the person intentionally attempts to place another person in fear of imminent serious physical injury.

(2) Menacing is a Class A misdemeanor. [1971 c.743 §95]

163.195 Recklessly endangering another person. (1) A person commits the crime of recklessly endangering another person if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

(2) Recklessly endangering another person is a Class A misdemeanor. [1971 c.743 §96]

166.155 Intimidation in the second degree. (1) A person commits the crime of intimidation in the second degree if the person:

(a) Tampers or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the other's race, color, religion, national origin or sexual orientation;

(b) Intentionally subjects another to offensive physical contact because of the person's perception of the other's race, color, religion, national origin or sexual orientation; or

(c) Intentionally, because of the person's perception of race, color, religion, national origin or sexual orientation of another or of a member of the other's family, subjects such other person to alarm by threatening:

(A) To inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or

(B) To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) Intimidation in the second degree is a Class A misdemeanor.

(3) For purposes of this section:

(a) "Property" means any tangible personal property or real property.

(b) "Sexual orientation" means heterosexuality, homosexuality or bisexuality. [1981 c.785 §1; 1983 c.521 §1; 1989 c.1029 §1]

166.250 Unlawful possession of firearms.(1) Except as otherwise provided in this section or ORS 166.260 (Persons not affected by ORS 166.250), 166.270 (Possession of weapons by certain felons), 166.273 (Relief from firearm prohibitions related to mental health), 166.274 (Relief from prohibition against possessing or receiving firearm), 166.291 (Issuance of concealed handgun license), 166.292 (Procedure for issuing) or 166.410 (Manufacture, importation or sale of firearms) to 166.470 (Limitations and conditions for sales of firearms), a person commits the crime of unlawful possession of a firearm if the person knowingly:

(a) Carries any firearm concealed upon the person;

(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle; or
(c) Possesses a firearm and:
(A) Is under 18 years of age;
(B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470 (Limitations and conditions for sales of firearms); and
(ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being charged under this section;
(C) Has been convicted of a felony;
(D) Was committed to the Oregon Health Authority under ORS 426.130 (Court determination of mental illness);
(E) Was found to be a person with mental illness and subject to an order under ORS 426.130 (Court determination of mental illness) that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
(F) Is presently subject to an order under ORS 426.133 (Assisted outpatient treatment) prohibiting the person from purchasing or possessing a firearm;
(G) Has been found guilty except for insanity under ORS 161.295 (Effect of mental disease or defect) of a felony; or
(H) The possession of the firearm by the person is prohibited under ORS 166.255 (Possession of firearm or ammunition by certain persons prohibited).
(2) This section does not prohibit:
(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from possessing a firearm:
(A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or guardian or by another person with the consent of the minor's parent or guardian; or
(B) Temporarily for hunting, target practice or any other lawful purpose; or
(b) Any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270 (Possession of weapons by certain felons) and subsection
(1) of this section, from owning, possessing or keeping within the person's place of residence or place of business any handgun, and no permit or license to purchase, own, possess or keep any such firearm at the person's place of residence or place of business is required of any such citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle while used, for whatever period of time, as residential quarters.
(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.
(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily accessible within the meaning of this section if the handgun is within the passenger compartment of the vehicle.
(b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage location that is outside the passenger compartment of the vehicle, a handgun is not readily accessible within the meaning of this section if:

(A) The handgun is stored in a closed and locked glove compartment, center console or other container; and
(B) The key is not inserted into the lock, if the glove compartment, center console or other container unlocks with a key.
(c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not readily accessible within the meaning of this section if:

(A) The handgun is in a locked container within or affixed to the vehicle; or

(B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the discharge of the firearm.

(5) Unlawful possession of a firearm is a Class A misdemeanor. [Amended by 1979 c.779 §4; 1985 c.543 §3; 1989 c.839 §13; 1993 c.732 §1; 1993 c.735 §12; 1999 c.1040 §1; 2001 c.666 §§33,45; 2003 c.614 §8; 2009 c.499 §1; 2009 c.595 §112; 2009 c.826 §§8a,11a; 2011 c.662 §§1,2; 2013 c.360 §§6,7; 2015 c.50 §§12,13; 2015 c.201 §3; 2015 c.497 §§3,4]

166.470 Limitations and conditions for sales of firearms. (1) Unless relief has been granted under ORS 166.273 (Relief from firearm prohibitions related to mental health) or 166.274 (Relief from prohibition against possessing or receiving firearm) or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably should know that the recipient:
(a) Is under 18 years of age;
(b) Has been convicted of a felony;
(c) Has any outstanding felony warrants for arrest;
(d) Is free on any form of pretrial release for a felony;
(e) Was committed to the Oregon Health Authority under ORS 426.130 (Court determination of mental illness);
(f) After January 1, 1990, was found to be a person with mental illness and subject to an order under ORS 426.130 (Court determination of mental illness) that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
(g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity under ORS 161.295 (Effect of mental disease or defect) of a misdemeanor involving violence within the previous four years. As used in this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160 (Assault in the fourth degree), 163.187 (Strangulation), 163.190 (Menacing), 163.195 (Recklessly endangering another person) or 166.155 (Intimidation in the second degree) (1)(b);
(h) Is presently subject to an order under ORS 426.133 (Assisted outpatient treatment) prohibiting the person from purchasing or possessing a firearm; or
(i) Has been found guilty except for insanity under ORS 161.295 (Effect of mental disease or defect) of a felony.
(2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or reasonably should know is stolen.

(3) Subsection (1)(a) of this section does not prohibit:
(a) The parent or guardian, or another person with the consent of the parent or guardian, of a minor from transferring to the minor a firearm, other than a handgun; or
(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.
(4) Violation of this section is a Class A misdemeanor. [Amended by 1989 c.839 §3; 1991 c.67 §40; 1993 c.735 §11; 2001 c.828 §2; 2003 c.577 §7; 2009 c.499 §6; 2009 c.595 §115; 2009 c.826 §§8,11; 2013 c.360 §§10,11; 2015 c.50 §§17,18; 2015 c.201 §6]

426.130 Court determination of mental illness; discharge; release for voluntary treatment; conditional release; commitment; prohibition relating to firearms; period of commitment. (1) After hearing all of the evidence, and reviewing the findings of the examining persons, the court shall determine whether the person is mentally ill. If, in the opinion of the court, the person is:

(a) Not mentally ill, the person shall be discharged forthwith.

(b) Mentally ill based upon clear and convincing evidence, the court:

(A) Shall order the release of the individual and dismiss the case if:

(i) The mentally ill person is willing and able to participate in treatment on a voluntary basis; and

(ii) The court finds that the person will probably do so.

(B) May order conditional release under this subparagraph subject to the qualifications and requirements under ORS 426.125. If the court orders conditional release under this subparagraph, the court shall establish a period of commitment for the conditional release.

(C) May order commitment of the individual to the Department of Human Services for treatment if, in the opinion of the court, subparagraph (A) or (B) of this paragraph is not in the best interest of the mentally ill person. If the court orders commitment under this subparagraph:

(i) The court shall establish a period of commitment.

(ii) The department may place the committed person in outpatient commitment under ORS 426.127.

(D) Shall order that the person be prohibited from purchasing or possessing a firearm if, in the opinion of the court, there is a reasonable likelihood the person would constitute a danger to self or others or to the community at large as a result of the person's mental or psychological state as demonstrated by past behavior or participation in incidents involving unlawful violence or threats of unlawful violence, or by reason of a single incident of extreme, violent, unlawful conduct. When a court makes an order under this subparagraph, the court shall cause a copy of the order to be delivered to the sheriff of the county who will enter the information into the Law Enforcement Data System.

(2) A court that orders a conditional release or a commitment under this section shall establish a period of commitment for the person subject to the order. Any period of commitment ordered for commitment or conditional release under this section shall be for a period of time not to exceed 180 days.

(3) If the commitment proceeding was initiated under ORS 426.070 (1)(a) and if the notice included a request under ORS 426.070 (2)(d)(B), the court shall

notify the two persons of the court's determination under subsection (1) of this section. [Amended by 1973 c.838 §12; 1975 c.690 §8; 1979 c.408 §3; 1987 c.903 §17; 1989 c.839 §36; 1993 c.735 §9; 1995 c.498 §2]

Federal Firearms Regulations

Fed 18 U.S.C. Chapter 44 922 (b)(1)

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—
(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty–one years of age;

Fed 18 U.S.C. Chapter 44 922 (g)(1) – (n)

(g) It shall be unlawful for any person—
(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
(2) who is a fugitive from justice;
(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
(5) who, being an alien—
(A) is illegally or unlawfully in the United States; or
(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
(6) who has been discharged from the Armed Forces under dishonorable conditions;
(7) who, having been a citizen of the United States, has renounced his citizenship;
(8) who is subject to a court order that—
(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be

expected to cause bodily injury; or
(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

— to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—
(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or
(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.
(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.
(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.
(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.
(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.
(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

1062.05 PRO Benefits Coordinator.pdf

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1062.05 PRO
BENEFITS COORDINATOR

The Benefits Coordinator is the primary point of contact for family benefit matters, and is responsible for providing the family and Department with current and projected benefit information. The Benefits Coordinator should be a senior staff member with knowledge of the benefits process. The Coordinator's role requires a high degree of confidentiality ensuring family privacy is met. The importance for the Coordinator in relieving family anxiety regarding financial obligations and demands is essential. Coordination with the Family Support Coordinator from Concerns of Police Survivors (C.O.P.S.) and the Family Liaison Officer is essential in benefit issues.

- Contact and coordinate immediately with the City of Medford's Human Resource's Department. Human Resources is required to report a death to OSHA within 8 hours
- Contact the local office of the F.B.I. for assistance in filing the Public Safety Officers' Benefits (PSOB) paperwork. (The Family Support Coordinator can provide this contact information)
- Estimate family monthly income
- Determine family eligibility for continued health care through Human Resources, and make contingency plans to support monthly premiums
- Personally coordinate the delivery of the final payroll check of the deceased. The check normally reflects the end of service payout for accrued time. However, coordination with the City of Medford Payroll office is crucial
- Obtain exact benefit amounts due the family. Identify each benefit (i.e., funeral assistance, one-time state benefit, monthly pension payment, workers comp, social security, etc.)
- Meet with the family about one month after the funeral with more detailed information
- Ensure required benefit documents have been presented to the appropriate government and private agencies
- File benefits in a timely manner. Paperwork should be completed within a two-month period
- If surviving children live with a former spouse, provide them the same services

804.11 PRO Firearms Disposition.pdf

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322.01 REF Miranda Warnings.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 322.01 REF
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

322.01 REF -- MIRANDA WARNINGS

1. You have the right to remain silent.

2. Anything you say can and will be used against you in a court of law.

3. You have the right to talk to a lawyer and to have him/her present with you while you are being questioned.

4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.

5. Do you understand each of these rights that I have explained to you?

356.02 PRO Notifications on Unsupervised Predatory Sex Offenders.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 356.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

356.02 PRO -- NOTIFICATIONS ON UNSUPERVISED PREDATORY SEX OFFENDERS

Action by: *Action:*

MAIL RECEIVER

1. **Receives** notification from Oregon State Police of an unsupervised predatory sex offender living in the City of Medford.

2. **Forwards** notification to the Patrol Commander.

PATROL COMMANDER

3. **Consults** with Operations Bureau Commander to seek approval for notification.

4. **Determines** appropriate beat officer to assign notification to.

5. **Forwards** to appropriate patrol supervisor.

PATROL SUPERVISOR

6. **Assigns** appropriate beat officer to handle notification.

BEAT OFFICER

7. **Develops** a notification plan.

8. **Seeks** supervisor approval to implement the plan.

9. **Conducts** notification as directed by supervisor.

10. **Obtains** a case number and documents notification actions.

206.07 FRM Special Events Resource List.pdf

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MEDFORD POLICE DEPARTMENT
206.07 FRM – SPECIAL EVENTS PERSONNEL RESOURCE LIST

NAME	DEPT.	SPECIAL TEAM	EVENT ASSIGNMENT	RADIO CALL SIGN	CELL PHONE	SPECIAL EQUIPMENT

MEDFORD POLICE DEPARTMENT
206.07 FRM – SPECIAL EVENTS PERSONNEL RESOURCE LIST

NAME	DEPT.	SPECIAL TEAM	EVENT ASSIGNMENT	RADIO CALL SIGN	CELL PHONE	SPECIAL EQUIPMENT

600.07 FRM Search Warrant.pdf

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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

SEARCH WARRANT

IN THE NAME OF THE STATE OF OREGON

TO ANY POLICE OFFICER IN THE STATE OF OREGON, GREETINGS:

You are hereby commanded to search:

And if you find the same, or any part thereof, to seize the same, and:

You are further directed to make return of this warrant to me within five (5) days after execution thereof.

___This warrant may be executed at any time of the day or night.

___This warrant may be executed more than five(5) days but not more than ten (10) days from its date of issuance.

Dated this ____day of _____, 20__, at _____o'clock __.

_____ (District Judge)_____

316.02 PRO Responding to Burglary Alarms.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 316.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

316.02 PRO -- RESPONDING TO BURGLARY ALARMS

Action by: *Action:*

OFFICER

1. **Responds** promptly and quietly to the area along with a second unit.

    a. If a responsible party prior to officers' arrival cancels the alarm, the situation may be investigated further, or canceled.

2. **Terminates** overhead lights and siren at least several blocks away if that equipment is utilized.

3. **Parks and exits** patrol unit some distance away, and out of view from the target location

4. **Communicates and coordinates** with other units to set up a visual perimeter.

    a. **Requests** additional units if needed to accomplish securing the perimeter.

5. **Takes** a tactical position of cover and concealment while maintaining visual security of the perimeter.

6. **Observe**s the location for suspicious activity.

7. **Coordinates** with other officers to check all possible points of entry.

8. **Requests** additional units and broadcasts immediately if evidence of criminal activity is discovered.

    a. **Notifies** Watch Commander upon discovery of criminal activity.

    b. **Considers** use of a K-9 unit, if appropriate.

c. **Requests** a clear radio frequency (code 33), if necessary.

9. **Maintains** position and surveillance of perimeter and awaits arrival of responsible party.

    a. **Gathers** intelligence on interior of premises prior to any entry.

10. **Conducts** a systematic search of the interior of the building if no evidence of criminal activity was discovered externally.

    a. **Maintains** perimeter security at all times during any search.

    b. **Search** the premises as a two or three-officer cell.

11. **Considers** a SWAT call-out if information indicates an armed suspect is concealed within the building.

    a. **Maintains** perimeter while waiting for SWAT to respond.

334.02 FRM Amber Alert Checklist.pdf

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600.12 FRM Bank Info Letter.pdf

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FRAUD
INVESTIGATIONS
SECTION

CITY OF MEDFORD
411 W 8TH STREET
MEDFORD, OR 97501

PHONE: (541)774-2230
FAX: (541)864-1537
City WebPage: www.ci.medford.or.us
Police E-Mail: padmed@ci.medford.or.us

May 6, 2003

Bank Name
P.O. Box
Medford, OR 97501
Attention: Operations Officer

Re: Account of:
Account Number:
Case Number: 03-xxxx (officer # i.e. #736)

This is to certify that under penalty of perjury, I am a duly authorized officer of the police department, Medford, Oregon, and have been assigned the investigation of a reported crime involving the fraudulent or illegal use of bank drafts, checks, or other orders, payable upon demand. Pursuant to ORS 192.585, I am hereby requesting the following information on the above account.

1. Date account was opened:_____.
2. Amount of initial deposit:_____ Present Balance:_____.
3. Account closed by:_____ On:_____.
4. Manner of closure notice:_____.
5. Type of account: Single Personal ( ); Joint Personal ( ); Business ( ); Other ( )_____.
6. Copy of signature card, statements, checks & overdraft protection:_____.
7. Amounts & dates of deposits between the dates of:_____.
8. Balance of account on_____ was_____.
9. Number of rejected items, dates mentioned in #7:_____.
10. Bank representative signature: _____.

Sincerely,

Detective_____
Fraud Investigations Section
(541) 774-2228

610.02 FRM Eyewitness Identification Form Show Up Admonishment.pdf

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MEDFORD POLICE DEPARTMENT
610.02 FRM – EYEWITNESS IDENTIFICATION FORM SHOWUP

Case #_____
Presenter Name:_____
Date and Time of Presentation:_____
Witness Name:_____

INSTRUCTIONS (READ BY OFFICER TO WITNESS)

In a moment a person is going to be shown to you. Just because the person is being shown to you or because police officers are standing nearby does not mean the person committed the crime or any other crime.

If you tell me you recognize the person as the person who committed the crime, I'm going to ask you to explain why you recognize him or her as the same person and to describe how confident you are.

Do you understand these instructions? _____

WITNESS STATEMENT (WRITTEN BY OFFICER)

_____

_____

_____

_____

_____

I, _____, affirm that

- I read or was read the instructions above,
- I understood the instructions, and
- The statement written by the officer accurately reflects what I said.

_____
Signature of Witness

312.07 PRO Shotgun Qualification Course.pdf

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400.04 PRO Hazel Center SRTF.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 400.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

400.04 PRO – HAZEL CENTER SECURE RESIDENTIAL TREATMENT FACILITY

1. **Medford Police Department will initiate a non-routine response to any calls to this facility.**

Hazel Center SRTF, located at 1911 Hazel Street, serves as a halfway house that introduces patients being treated for mental illness back into the community. The Center is a secured facility and may house up to 16 patients and working staff. However, patients returning from unsupervised leave time in the community are screened for weapons or contraband upon entry into the facility.

The phone numbers for on-duty staff are:

Office: (541) 492-9922
Cell: (541) 659-1511

2. **Medford Police Department shall dispatch a minimum of 2 uniformed officers to any emergency calls for service at Hazel Center.**

3. **Officers responding to emergency calls for service should contact and coordinate response with the Center staff, if possible.**

Coordination with their staff is necessary for any emergency response to the facility. Responding officers may contact the on-duty staff member to coordinate unforced entry into the facility at the listed cell phone number, if the staff member is previously unaware of police response.

4. **ECSO personnel shall provide the lockbox combination from CAD files and promptly furnish that to responding officers via the MDC's.**

If the on-duty staff member is unavailable to allow officers unforced entry into the facility, officers shall obtain entry information prior to their arrival. The lockbox for the key is located on the perpendicular wall a few feet to the right of the front door.

5. **Non-emergency follow-up interviews and contacts with Hazel Center patients shall be coordinated with Hazel Center staff prior to the officer's arrival.**

Such contacts at the Hazel Center facility shall be conducted with as little disruption to other patients and activities as possible, sensitive to persons dealing with mental health issues.

6. **Hazel Center staff should be promptly notified upon officers contacting any Hazel Center patients in the community regarding suspicious or criminal activity.**

303.02 FRM Review Threshold Incs..pdf

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303.02 FRM -- REVIEW OF THRESHOLD INCIDENT

CASE#_____*(REQUIRED: ATTACH COPY OF INCIDENT RPT.)

To be used for all threshold incidents, other than uses-of-force and vehicle pursuits.

REVIEW: SUPERVISOR
NO FURTHER ACTION_____ **ACTION NEEDED**_____List below:
Policy issues_____ Training issues_____ Weapons/Equipment issues_____
Internal Investigation____
Comments:

Supervisor signature_____Date_____

REVIEW: DIVISION COMMANDER
NO FURTHER ACTION_____ **ACTION NEEDED**_____List below:
Policy issues_____ Training issues_____ Weapons/Equipment issues_____
Internal Investigation_____
Comments:

Division Commander signature_____Date_____

REVIEW: BUREAU COMMANDER
NO FURTHER ACTION_____ **ACTION NEEDED**_____List below:
Policy issues_____ Training issues_____ Weapons/Equipment issues_____
Internal Investigation_____
Comments:

Bureau Commander signature_____Date_____

STATUS: **PENDING**_____ **CLOSED**_____

Administrative Sgt. signature_____Date_____

1020.03 FRM Complaint Form.pdf

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MEDFORD POLICE DEPARTMENT
1020.03 FRM--COMMENDATION/COMPLAINT FORM

NAME:_____ADDRESS:_____

PHONE:_____DOB:_____ RACE:_____ GENDER:_____

INVOLVED OFFICER(S):_____

LOCATION OF INCIDENT:_____

DATE/TIME OF INCIDENT:_____RELATED CASE #:_____

WITNESS:_____ADDRESS:_____PHONE:_____

DESCRIPTION OF INCIDENT: (ATTACH ADDITIONAL SHEETS AS NECESSARY)

THE AFOREMENTIONED STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE:

SIGNED:_____DATE/TIME:_____

RECEIVED BY:_____DATE/TIME:_____

510.02 PRO Seizing Vehicles as Evidence.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 510.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

510.02 PRO – SEIZING VEHICLES AS EVIDENCE

Action by: *Action:*

OFFICER

1. **Stops** a vehicle that is physical evidence of a criminal investigation, or contains physical evidence;

2. **Renders** the scene safe;

3. **Maintains** chain-of-custody of the vehicle and contents;

4. **Processes** the vehicle pursuant to one of the following procedures:

    a. **Searches** the vehicle at the scene and **seizes** physical evidence pursuant to contemporary search and seizure guidelines; and

        i. **Releases** the vehicle back to the rightful owner, with a receipt for items seized; or

    b. **Secures** the vehicle, pending a service of a search warrant;

        i. **Completes** a Towed Vehicle Report and **delivers** a copy of the completed report to the owner or driver (if available);

        ii. With minimal intrusion into the vehicle interior, **causes** the vehicle to be towed to Property Control, **secures** in the vehicle bay and **tags** the vehicle as evidence;

        iii. **Secures** the vehicle in the vehicle bay by **locking** bay doors until the search warrant can be served;

        iv. **Completes** a Property and Evidence Report, leaving a copy at Property Control per evidence procedures;

v. **Contacts** Records to notify that the vehicle has been towed and to promptly enter it into the LEDS system;

vi. **Obtains** a search warrant as soon as possible;

vii. **Serves** the search warrant on the vehicle pursuant to the terms of the search warrant and **inventorying** the remaining contents;

viii. **Leaves** a copy of the completed Towed Vehicle Report, Property and Evidence Report, and search warrant with the vehicle; and

ix. **Releases** the vehicle back to the owner as soon as possible (following consultation with the involved Deputy District Attorney), unless the vehicle, itself is to be held as evidence, pending final court disposition; or

1. **Contacts** the contract tow company to store the vehicle if the driver was in violation of ORS 809.720 and the vehicle is to be held for safekeeping.

RECORDS SPECIALIST

1. **Enters** the vehicle into the LEDS system upon receipt of information from the officer towing the vehicle; and

2. **Removes** the vehicle from the LEDS system upon release from custody.

PROPERTY SPECIALIST

1. **Enters** the vehicle into the computerized evidence system;

2. **Maintains** chain-of-custody of vehicle upon receipt until release to owner; and

3. **Notifies** Records if the towing status of the vehicle changes to safekeeping for operator violation of ORS 809.720 and it is towed to a storage facility.

320.02 REF Federal Firearms Prohibitions--DV Cases.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 320.02 REF
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

320.02 REF -- FEDERAL FIREARMS PROHIBITIONS IN DOMESTIC VIOLENCE CASES

Persons who have been convicted in any court of a qualifying misdemeanor crime of domestic violence (MCDV) generally are prohibited under federal law from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). This prohibition also applies to federal, state, and local governmental employees in both their official and private capacities. Violation of this prohibition is a federal offense punishable by up to ten years imprisonment. See 18 U.S.C. 922(g)(9); See also 18 U.S.C. 921(a)(33), 924(a)(2), 925(a)(1); 27 C.F.R. 178.11, 178.32.

A qualifying MCDV is an offense that:

- Is a federal, state, or local offense that is a misdemeanor under federal or state law;
- Has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and,
- At the time the MCDV was committed, the defendant was:
    - A current or former spouse, parent, or guardian of the victim;
    - A person with whom the victim shared a child in common;
    - A person who was cohabitating with or had cohabitate with the victim as a spouse, parent, or guardian; or,
    - A person who was or had been similarly situated to a spouse, parent, or guardian of the victim.

EXCEPTIONS: A person has not been convicted of a qualifying MCDV:

- IF the person was not represented by counsel – unless he or she knowingly and intelligently waived the right to counsel;

- IF the person was entitled to a jury trial AND the case was not tried by a jury – unless the person knowingly and intelligently waived the right to a jury trial; or,

- IF the conviction was set aside or expunged; the person was pardoned; or, the person's civil rights – the right to vote, sit on a jury, and hold elected office – were restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense).

- BUT: This exception does NOT lift the federal firearms prohibition if:

    - The expungement, pardon, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms; or,
    - The person is otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

For further information about section 922(g)(9) or federal firearm prohibitions generally, contact the local field division of the Bureau of Alcohol, Tobacco and Firearms (800) 800-3855.

ATF I 3310.3 (09-01)

600.06 FRM Search Wt Affidavit.pdf

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STATE OF OREGON)
) SS.
COUNTY OF JACKSON)

I, ***(name of affiant)***, after being First duly sworn upon oath depose and say:

That I am a _____ ***(rank, & position)***_____, with the ____ ***(official police agency)*** _____, located in the city of _____, County of Jackson, State of Oregon and that I have been so employed for the past__ ***(months & years)*** __.

That I have reason to believe that that certain premise located at _____

_____

_____,

City of _____, County of Jackson, State of Oregon, _____ ***(occupied / owned)*** _____

_____by

_____ ***(name of person or persons)***_____

_____

contains: _____ ***(full description of property or persons)***_____

_____

_____

_____

_____

_____

and that said above described ____ ***(property or person)***_____

is ***(describe properties: i.e., subject of theft, contraband, fugitive, evidence of crime, etc.)***

_____

_____

That the facts supporting my above described beliefs are as follows:

That based upon the above and foregoing I hereby pray for a warrant to search that certain ***(full description of property or person)***

for: ***(full description of thing to be seized)***

/s/_____ (officer) _____

Subscribed and sworn to before me this _____day Of_____, 20__.

/s/____ (judge)_____

1041.01 PRO Issuing Uniforms and Equipt to Officers.pdf

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360.02 FRM Homicide Checklist.pdf

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600.01 PRO Obtaining Municipal Court Arrest Warrants.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.01 PRO -- OBTAINING MUNICIPAL COURT ARREST WARRANTS

Action by: *Action:*

OFFICER

1. **Develops** probable cause to arrest a suspect for a crime prosecutable in Municipal Court.

2. **Obtains** complete description of the suspect.

3. **Completes** crime report.

4. **Completes** a Municipal Court criminal citation.

    a. **Causes** the complainant or victim to sign the complaint in the presence of a Deputy Court Clerk or police supervisor.

5. **Forwards** completed report to supervisor for approval.

6. **Completes** a Municipal Court Affidavit in Support of Arrest Warrant (600.02 FRM), following unsuccessful attempts to arrest the suspect.

SUPERVISOR

7. **Reviews** report for approval.

8. **Returns** completed report, affidavit and citation to officer.

OFFICER

9. **Signs** completed affidavit under oath in presence of Deputy Court Clerk or supervisor.

10. **Forwards** completed report, affidavit and citation to Records.

RECORDS

11. **Processes** case.

12. **Forwards** to Municipal Court for issuance of warrant.

323.01 PRO Conducting a Raid.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 323.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

323.01 PRO -- CONDUCTING A RAID

Action by: *Action:*

CASE OFFICER

1. **Collects** intelligence information on the target residence and develops a raid plan;

    a. **Verifies** the intelligence information through an independent source;
    b. **Checks and double-checks** identifying numbers of the target location;
    c. **Ensures** intelligence information is consistent with crime and other reports;
    d. **Completes** plan using the form (323.02 FRM);

2. **Presents** raid plan to supervisor for review and approval;

3. **Conducts** briefing and assigns specific tasks & roles to individual officers;

All involved personnel shall be briefed, including personnel from outside agencies. Any personnel not attending pre-raid briefing should not be involved in the operation;

4. **Provides** photographs and / or a video of the target location to all involved personnel;

5. **Assigns** first person to make entry a uniformed officer;

Police presence must be announced clearly, immediately upon entry;

6. **Determines** type of entry:

    a. Dynamic entry, or
    b. Unforced entry.

If SWAT is used during entry in a high-risk situation, the SWAT commander shall determine the entry.

7. **Determines** number of officers needed and logistics, following consultation with supervisor;

8. **Determines** route traveled to target location;

9. **Reviews** explicitly the plan with all involved personnel so that each participant knows:

    a. What location he is to respond to; and
    b. What his responsibilities are;

10. **Determines** how each participating officer can ensure he is at the correct location upon response;

SUPERVISOR

11. **Reviews** the raid plans and assists the case officer in planning;

12. **Makes** final approval for the operation; and

13. **Shall** be present during the actual raid.

601.01 PRO Submitting and Processing Criminal Intelligence Information.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 601.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

601.01 PRO -- SUBMITTING & PROCESSING CRIMINAL INTELLIGENCE INFORMATION

Action by: *Action:*

OFFICER

1. **Develops** information on criminal activity that has been committed or being planned.

2. **Completes** an Intelligence Report Form (601.02 FRM).

    a. **Classifies**:

        i. Source reliability;
        ii. Information validity; and
        iii. Violence potential.

3. **Submits** report to supervisor for approval to submit to TIU.

4. **Submits** report directly to TIU upon receiving supervisor's approval.

TIU

5. **Submits** report directly to the MADGE Commander.

MADGE COMMANDER

6. **Evaluates** information.

7. **Assigns** security classification.

8. **Assigns** to CIS / FIS personnel for follow-up.

9. **Returns** to TIU.

TIU

10. **Issues** a tracking number if needed.

11. **Assigns** to secure file / location (i.e. gang intelligence)

600.10 FRM Telephonic Search Wt.pdf

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STATE OF OREGON	)	TELEPHONIC
	) SS.	SEARCH WARRANT
COUNTY OF JACKSON	)	ORS 133.545(5), 133.555(3)

TO ANY POLICE OFFICER OF THE STATE OF OREGON, GREETINGS:

This court finds Probable Cause to believe that the items described below may be found at the following locations:

YOU ARE AUTHORIZED TO SEARCH THE :

Premises including:___dwelling, ___building, ___outbuilding, ___ other_____further described as:

Person(s) of:

Vehicle(s):

All located at :

City of _____, Jackson County, Oregon.

For evidence of the crime(s) of:

Including, but not limited to:

and to seize the same.

Unless otherwise specified below, this warrant shall be executed between 7:00 am and 10:00 pm, within five (5) days from the date of issuance. You are further directed to make proper return of this warrant within five (5) days after execution.

___This warrant may be executed at anytime day or night.

Issued this _____ day of _____, 20__ at _____ o'clock____m.

_____ ***(Issuing magistrate)*** __

by: ____ ***(Officer)*** _____

310.01 PRO Responding to Officer-Involved Shootngs.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 310.01 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

310.01 PRO -- RESPONDING TO OFFICER-INVOLVED SHOOTINGS

Action by: *Action:*

OFFICER

1. **Ensures** officer safety and life-saving efforts first (universal precautions at all times).

2. **Secures** the perimeter and scene as quickly as possible.

The officer should request additional officers as necessary to quickly stabilize the situation and safeguard physical evidence.

SUPERVISOR

3. **Assumes** command at the scene as soon as possible.

4. **Assigns** an officer to establish a crime scene log and restricts non-medical persons from entering into the crime scene area.

5. **Obtains** limited information from involved officers and witnesses necessary for public safety and scene management, but does not conduct in-depth interviews.

6. **Ensures** that involved officers maintain their weapons in the same condition as they were at the conclusion of the incident (See: **COMPANION OFFICER**).

When practical, another weapon should be issued to the officer as soon as possible, until his regular weapon is returned following disposition of the investigation.

7. **Notifies** the Criminal Investigations Division Commander or in his absence, the Patrol Commander, and / or the Operations Bureau Chief to respond to the scene.

8. **Notifies** all command staff.

9. **Notifies** ECSO to activate the Major Assault / Death Investigation Unit under the Jackson County Cooperative Policing Plan.

10. **Assigns** an uninvolved companion officer to the officer involved in the shooting. (See: **COMPANION OFFICER**)

11. **Facilitates** notification of the officer's family as soon as it is practical.

Family members should be notified where to respond if the officer is transported to a medical facility.

12. **Assigns** an officer to accompany anyone transported to hospital or medical facility. (See: **OFFICER ACCOMPANYING INJURED PERSONS**)

13. **Identifies** uninjured civilian witnesses and assigns officers to transport them to the police station, keeping them sequestered until interviewed by investigators.

14. **Facilitates** the response of officers to relieve involved officers at the scene and facilitates their transportation to the station.

Involved officers should be sequestered until interviewed by investigators.

15. **Arranges** for radio broadcasts for outstanding suspect(s), etc.

16. **Protects** sensitive information, including names of involved officers, particularly during radio broadcasts and phone conversations.

17. **Briefs** the Public Information Officer.

18. **Identifies** Police Department employees potentially traumatized by the incident and directs them to attend a debriefing conducted by the Southern Oregon Critical Incident Response Team (SOCIRT) within 24 hours of the incident.

19. **Facilitates** a critique of the incident at a later date.

COMPANION OFFICER

20. **Provides** for the involved officer's needs and well being until interview by investigators or relieved by other personnel.

21. **Transports** the involved officer to the station if uninjured, keeping him sequestered from other witnesses, and other involved officers.

22. **Allows** the officer to make phone calls to relatives and / or counsel as soon as possible.

23. **Ensures** the officer does not unload or tamper with his firearm in any way prior to interview with investigators.

OFFICER ACCOMPANYING INJURED PERSONS

24. **Locates, preserves, safeguards and maintains** custody of any physical evidence.

    a. If subject is deceased, the officer **maintains** an evidentiary chain of custody of the subject until relieved by investigators.

25. **Obtains** statements made by the injured person, including dying declarations, excited utterances and other spontaneous statements.

26. **Maintains** custody if the person has been arrested.

27. **Provides** information to medical personnel about the incident as it relates to treatment.

28. **Identifies** all medical personnel involved, including ambulance, City Fire, hospital medical personnel, and obtain information relevant to the investigation.

334.04 PRO A Child is Missing Alert Program.pdf

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804.06 PRO Processing Latent Fingerprints.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.06 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.06 PRO -- PROCESSING LATENT FINGERPRINTS

1. **Officers develop and preserve latent prints as evidence at crime scenes.**

Officers should check for latent prints:

a. At the point of entry or exit;
b. On items used in a crime; and
c. On items possibly handled by suspect(s).

2. **Latent print evidence can generally be broken down into 3 categories:**

a. ***Non-porous items*** should generally be within the officer's capability to process at the scene. Examples of non-porous items include: metal, hard plastic, finished wood and glass. Surfaces on these items can generally be processed effectively utilizing latent print powder and tape lifting.

b. ***Porous items*** should generally be collected by the officer, and processed at the Crime Lab or Property Control facility by a Forensic Technician or other personnel specially trained in the process of such evidence. Examples of porous items include: cardboard, paper, unfinished wood, and sheetrock. Paper items with a glossy finish may be effectively processed by the officer utilizing latent print powder and tape-lifting.

c. ***Special circumstances items*** may be difficult to effectively process for latent print evidence without the use of special equipment or training. These items should generally be collected and not processed at the scene. Examples include: bloody items, greasy items, environmentally sensitive items (butter, chocolate, etc.) and tape. Some of these may require special handling or packaging in order to successfully retrieve the latent prints.

1. ***Bloody items*** should be place in the Biohazard Drying Unit at Property Control and allowed to air-dry prior to being packaged.
2. ***Wet items*** (water, beverage, etc.) should be allowed to air-dry and may either be processed by the officer or packaged for later processing.
3. ***Greasy items*** (oil, petroleum jelly, etc.) generally will not dry and should be packaged very carefully to avoid smearing any potential latent print evidence.
4. ***Environmentally-sensitive items*** (butter, chocolate, etc.) should be kept cold in order to inhibit melting and subsequent destruction of the evidence. These items should be carefully and quickly packaged prior to placing them in the freezer.
5. ***Tape*** should be packaged so that it will not adhere to any of the paper packaging. This can be accomplished by placing the tape inside a clear plastic sheet protector or something similar prior to placing the tape inside of the envelope.

3. **Fingerprints may be developed using one of several types of print powders available in officers' print kits and lifted using transparent plastic tape.**

4. **Preserved latent prints shall be marked with:**

   a. The Officer's name obtaining the evidence;
   b. Date & time;
   c. Location or object the print was obtained from;
   d. Case number; and
   e. Evidence item number.

5. **If possible, fingerprints may be photographed prior to lifting.**

Scales should be used in photographing latent prints.

6. **Following collection, latent prints may be examined by a qualified latent print examiner, and compared with prints of known suspects.**

Officers requesting a latent print examination and comparison shall complete an Oregon State Police Forensic Services Request Form (Form 49) and submit to Property Control with the Property Report.

Officers not competently trained as latent print examiners should not attempt to conduct any type of latent print examination or comparison of latent prints.

Officers should generally not attempt any chemical or physical latent print development techniques, for which they are not trained, without technical assistance from trained personnel. Examples include “Super Glue fuming” (CA), Amido Black, Ninhydrin, Flourescing dye stains, and Small Particle Reagent (SPR)

7. **Officers’ latent print field kits should be equipped with the following (obtained from Property Control):**

    a. Blue plastic box (1);
    b. Container of black magnetic fingerprint powder (1);
    c. Container of white magnetic fingerprint powder (1);
    d. Container of black non-magnetic fingerprint powder (1);
    e. Magnetic fingerprint powder applicator (1);
    f. Fingerprint powder brushes (2);
    g. Pair of scissors (1);
    h. Elimination fingerprint kit – inkless or standard ink (1);
    i. Pairs of white cotton gloves (2);
    j. 6” plastic photographic scales (2);
    k. Disposable 14” paper scales;
    l. Transparent lifting tape;
    m. White lift cards;
    n. Black lift cards or plastic sheet protectors; and
    o. White & black rubber gelatin lifters (optional).

206.05 PRO Special Events Plan.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 206.05 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

206.05 PRO – SPECIAL EVENTS PLAN

1. **Medford Police Department plans in advance for special events.**

A special event is an organized pre-scheduled event that impacts traffic and / or crowd control.

2. **The Operations Bureau Commander, or his designee, plans and coordinates for special events.**

3. **Special events planning includes (but is not limited to) a written estimate of:**

   a. Ingress & egress traffic;
   b. Alternate traffic routes;
   c. Contingency plans for traffic direction and control;
   d. Vehicle parking space;
   e. Emergency vehicle access;
   f. Crowd control & pedestrian traffic;
   g. Spectator control;
   h. Public transportation;
   i. Relief for officers & participating assigned personnel;
   j. News media;
   k. Logistical requirements;
   l. Activation of incident command system;
   m. Intelligence information on any person(s) or groups who could be disruptive or pose a threat to the event;
   n. Coordination inside and outside the Department; and
   o. An after-action report.

4. **Special events planning should include personnel considerations for:**

   a. Medford PD special operations personnel such as Special Weapons & Tactics Team, Traffic Team or Mobile Response Team;
   b. Assistance from outside agencies in Jackson County under terms of the Cooperative Policing Plan;

c. Assistance from agencies outside of Jackson County;
d. Assistance from State and federal agencies.

5. **<u>The assigned officer shall use the Special Event Plan Form (206.06 FRM) as a template for event planning as directed by command staff.</u>**

The assigned officer may use the Special Events Personnel Resource List (206.07 FRM) in planning.

6. **<u>The affected Division Commander and Bureau Commander shall review and approve the Special Events Plan prior to the event.</u>**

Planned special events shall be planned well in advance prior to the date of the event to allow review, adjustments and final approvals by command staff.

804.22 PRO Syringe Handling and Disposal.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 804.22 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

804.22 PRO – SYRINGE HANDLING AND DISPOSAL

1. **Officers shall handle all found hypodermic syringes as hazardous waste / contraband.**

2. **Syringes shall not be accepted into evidence at Property Control.**

Officers shall handle syringes using latex gloves and secure tubes.

3. **If narcotic residue is found in a syringe, the syringe shall be flushed into a plastic container provided at Property Control.**

The syringe may be flushed with clean saline solution, which is stored in the Evidence Prep room at Property Control.

The plastic container may then be booked into evidence.

4. **All syringes shall be disposed of into the red bio-hazard box in the Prep Room and logged in, per Property Control procedures.**

804.10 FRM PC Access Log.pdf

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804.10 FRM -- EVIDENCE AREA ACCESS LOG

DATE	TIME	PRINTED NAME	SIGNATURE	ORG	REASON FOR ENTRY	ACCOMPANIED BY

804.10 FRM -- EVIDENCE AREA ACCESS LOG

DATE	TIME	PRINTED NAME	SIGNATURE	ORG	REASON FOR ENTRY	ACCOMPANIED BY

600.15 PRO Investigating Embezzlement.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 600.15 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

600.15 PRO -- INVESTIGATING EMBEZZLEMENT

Action by: *Action:*

OFFICER

1. **Determines** the following:

    a. The number of incidents of theft
    b. Total amount of money or value of property taken
    c. Time period of thefts
    d. Where thefts occurred.

2. **Locates** videotape or other recording of the event(s).

3. **Obtains** original copy of signed confession by the suspect from the complainant, if one was obtained prior to phoning police.

4. **Locates** any property, stolen funds, or other proceeds.

5. **Determines** where suspect's bank accounts are located.

6. **Seizes** physical evidence such as videos, confession statements, and presents complainant with a receipt.

7. **Obtains** a taped statement from suspect and witnesses.

FRAUD INVESTIGATIVE SECTION SUPERVISOR

8. **Reviews** case.

9. **Assigns** case to a detective, if appropriate.

208.01 FRMTraining Request NEW.pdf

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MEDFORD POLICE DEPARTMENT
208.01 FRM -- TRAINING REQUEST

TO: **Chain of Command**
From:
Date:
Employee:

Course Sponsor: **Course Title:**
Course Dates/Time – Start: **End:** **Total hours**
Departure Date: **Return Date:** **# of Travel Days** **# of Full (non-travel) Days**
Course Location/Address:

LODGING REQUEST:
( ) Lodging provided by DPSST via Training Coordinator
All Lodging Costs Charged to Department PCard Does a Traveling Employee Have a PCard: Y/N
Requested Hotel Name/Address: _____
Cost of Room: _____ x Number of Nights _____ = **Total $ _____**
Confirmation #_____ Prior Payment Arranged_____ (Done by Supervisor/Admin!)

PER DIEM REQUEST:
Per Travel Authorization & Disbursement **SEE REVERSE – Complete and sign**
http://www.gsa.gov/portal/category/100120

Total: **$_____ Requested in advance Y/N (At least 2 weeks prior!)**

APPROXIMATE OVERTIME HOURS INVOLVED IN TRAINING _____

TRANSPORTATION REQUEST:
( ) Air Line Reservation Made by Employee (Pcard Holder) ( ) Request Kaily Freund make Airline Reservation
( ) Private Vehicle/City Gas Card ( ) City Vehicle/City Gas Card ( ) Rental Car – Only under special circumstances!
Confirmation #: **Total $**

REGISTRATION REQUEST:
Confirmation # Registration made by: **Registration Fee: $**

TOTAL FUNDS REQUESTED $

VOLUNTARY AGREEMENT: (When Applicable)
I, the undersigned employee, agree that while I am in transit and participating in the above-named training program, I am doing so at my discretion. That NO compensation shall be requested or provided, other than regular salary. I understand that I shall be considered working for purposes of workers' compensation.

_____
(Signature of Employee)

CHAIN OF COMMAND ROUTING
Watch Commander or Supervisor: Approved by:_____ Denied by:_____ Date:_____
Division Lieutenant: Approved by:_____ Denied by:_____ Date:_____
Bureau Deputy Chief: Approved by:_____ Denied by:_____ Date:_____
Chief of Police: (Optional) Approved by:_____ Denied by:_____ Date:_____

ATTENTION: Participation in the above-described training is not authorized until this order has been signed as Approved, by the above listed Chain of command. When the above Training Request has been approved, you shall receive a copy of a "training Memorandum/Order". If this training request is denied, it shall be signed as denied and returned to you.

City of Medford
Travel Authorization & Disbursement

Employee: _____ **Department:** _____
Travel Dates: _____ **Purpose & Location:** _____
Account Number: _____

Travel:

Attach conference, training or class schedule and/or agenda
Driving - attach MapQuest or Google Maps directions
If driving over 300 miles, attach a flight comparsion obtained prior to travel

Mileage to destination:	miles	____	@ ____	per mile	$	-
Mileage from destination:	miles	____	@ ____	per mile	$	-

Flight - attach flight itinerary

Per Diem:

Per Diem rate per GSA: http://www.gsa.gov/portal/category/100120

First Travel Day: 50% of daily rate					$	
Full Travel Day(s):	days	____	@ ____	per day	$	-
Last Travel Day: 50% of daily rate					$	

Date Payment Requested: _____ **Total Expense Disbursment** $ -

Other Expenses:

Description	Date		
		$	
		$	
		$	
		$	
		$	
		$	
		$	
		$	
		$	
		$	
		$	
Total Expense Reimbursement		$	-

By signing below, I agree to all conditions of travel in Reg 00-9-R8:

Employee	**Date**	**Department Review**	**Date**
Department Head	**Date**	**Finance Dept Review**	**Date**

Form Date: 01/01/15

312.07 PRO Rifle Qualification Course.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 312.07 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

312.07 PRO -- RIFLE QUALIFICATION COURSE

100% hits in the 3 and 5 zones required to qualify, using 20 live rounds and 1 dummy round.

DPSST Reduced Range Rifle Target

25-Yard Line – 6 Rounds (Starting position: High-Ready)

1. On the signal, the officer fires:
    a. Two rounds standing.
    b. Two rounds kneeling.
    c. Two rounds prone.
2. Time Limit: 25 seconds.
3. Note: This stage may be fired at 75 yards using the full DPSST silhouette. Score: Hits in the 3 and 5 zones.

25-Yard Line – 5 Rounds (Load: 2 live, 1 dummy, 2 live)

1. On the signal, the officer kneels and fires from low-cover:
    a. Two rounds from the strong side.
    b. Two rounds over the top.
    c. Officer clears malfunction.
2. Time Limit: 20 seconds.

15-Yard Line – 4 Rounds (Starting position: Low-Ready)

1. On the signal, the officer fires:
    a. Two rounds standing.
    b. Reloads from lock-back..
    c. Two rounds kneeling.
2. Time Limit: 15 seconds.

10-Yard Line – 6 Rounds (Starting position: Low-Ready)

1. On the signal, the officer fires two rounds standing.
2. Time Limit: 3 seconds.
3. Repeat for a total of 6 rounds.

401.04 PRO Abandoned and Unlawfully Stored Vehicles-UPDATED.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 401.04 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_042116_____

401.04 PRO -- ABANDONED & UNLAWFULLY STORED VEHICLES

1. **Medford Police Department enforces laws against abandoned vehicles on public roadways in violation of ORS 819.100, and unlawfully stored vehicles in violation of Medford Municipal Codes 5.505 and 6.345.**

2. **Officers shall do the following in response to an abandoned or unlawfully stored vehicle that is otherwise legally parked:**

    a. Run a computer check on the vehicle registration through LEDS,NCIC and DMV;
    b. Attempt to contact the registered owner of the vehicle in person or by telephone. If unsuccessful in contacting the registered owner an abandoned vehicle tow letter shall be sent;
    c. Affix notice (red and/or green tag) to the vehicle pursuant to ORS 819.170 and Medford Municipal Codes 5.505 & 6.345;
    d. Mark the vehicle tires.

3. **After 5 days (excluding weekends and holidays) officers will conduct a follow-up investigation to determine if the vehicle has been moved.**

    a. If the vehicle has not moved, the officers shall attempt to contact the registered owner to notify them of the impending tow;
    b. Officers will make a notation of their contact or attempted contact with the registered owner in the associated police report.

4. **Following the completion of the procedures above, the vehicle should be towed (consistent with current policy). Officers will:**

    a. Issue a citation to the vehicle for violation of ORS 819.100 and (MC 6.345 if unlawfully stored);
    b. Provide a copy of the code enforcement abandoned vehicle report to the Records Specialist assigned to Code Enforcement;
    c. Leave a copy of the code enforcement abandoned vehicle report affixed to the vehicle for the tow company;

d. Contact ECSO and request an impound tow for an abandoned vehicle;
e. Complete the appropriate police report.

608.02 PRO Confidential Fund Management.pdf

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MEDFORD POLICE DEPARTMENT PROCEDURES	Order # 608.02 PRO
	Approved:_____
	Bureau Cmdr:_____
	Date:_____

608.02 PRO – ELECTRONIC CONFIDENTIAL FUNDS MANAGEMENT

A confidential fund is maintained by MADGE. It is available for use by any officer with the MADGE Operations Sergeant's approval.

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of the funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case;
- The significance, value or effect on crime;
- The quantity of drugs seized;
- The informant's previous criminal activity
- The level of risk taken by the informant;

Any amount in excess of $500 shall be discussed with the MADGE Operations Sergeant and the MADGE Lieutenant prior to payment.

608.5.2 CASH DISBURSEMENT POLICY

1. **Detective / Officer assigned to MADGE can provide cash to an informant for the following circumstances, including but not limited to:**
    a. Drug buy
    b. Search warrant information
    c. Food
    d. Lodging
    e. Phone
    f. Gas
    g. Reward

2. **<u>Cash Disbursement Procedure:</u>**

MADGE Detectives/Officers will each have an assigned ATM card for cash withdrawals and deposits.

a. Daily user limits
    1. $2,000 for supervisor
    2. $1,000 for detective / officer
b. A request and approval from MADGE supervisor must occur before any expense.
c. Withdrawal cash with ATM card.
d. Cash must be used or deposited back into the bank within 3 days unless extended with supervisor approval
e. ATM Receipts shall be given to MADGE Commander within 24 hours.
f. MADGE Detective / Officer shall complete the Evidence Form Accounting Receipt
    1. Have informant sign the receipt
    2. Have witnessing detective / officer sign receipt
g. MADGE Detective/Officer will take the three-part Evidence Accounting Receipt to MADGE Supervisor for approval. After it is signed by the supervisor, it will be given to the MADGE Commander.
    1. White copy to Investigative Fund Master File
    2. Green copy to HIDTA Billing File
    3. Pink copy to Informant File

3. **<u>MADGE Commander oversees Confidential Funds Report on Excel workbook.</u>**

a. MADGE Commander will document each transaction into an Excel spreadsheet to include:
    1. Card number used
    2. Date
    3. Case number
    4. Receipt number
    5. Informant number
    6. Agent number
    7. Co-Agent number
    8. Amount deposited

9. Amount withdrawn
10. Investigative expense amount
11. Informant expense amount
12. Comment on reason for transaction

4. **<u>MADGE Commander ensures Evidence Fund Accounting receipts coincide with Confidential Fund Report.</u>**
    a. MADGE commander shall audit Confidential Fund Report weekly.
    b. Each ATM receipt will correspond to the account balance listed on Confidential Fund Report.
    c. Confidential Fund Report will be confirmed through online banking account information as well as Evidence Accounting Receipt.
    d. MADGE Commander shall provide the City of Medford Finance Department with a copy of the Confidential Fund Report at the beginning of each month.

5. **<u>Record Keeping</u>**
    a. MADGE commander will keep all original ATM receipts, Expense Receipts and Deposit receipts
    b. All original copies of expended receipts
    c. A full electronic backup and printed copy of the monthly accounting report

608.5.3 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.

608.6 CONFIDENTIAL FUND AUDITS

A Medford Police Division Commander not assigned to MADGE conducts quarterly audits of the confidential fund and reports directly to the Chief of Police, or the Chief's designee. The Operations Bureau Commander conducts semi-annual quarterly audits of the confidential fund and reports directly to the Chief of Police.

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CANINE OFFICER -- INCAPACITED
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