CRIMINAL JUSTICE CODE OF ETHICS

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.I recognize my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

DPSST Revised 8/00	
Adopted: 5-1-2003	Effective: 5-1-2003
Update: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Reviewed: 12-18-2012	
Accreditation Standards: OAA 1.1.2	

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MISSION STATEMENT AND VISION OF THE NEWPORT POLICE DEPARTMENT

MISSION

The Mission of the Newport Police Department is to consistently invest available resources toward our City's reputation as a safe place to live, work, play, learn, and visit.This will be accomplished by complying with professional standards established by the Oath of Office, Professional Code of Ethics, and administrative directives. We will perform in a manner that promotes the public's trust, confidence, and sense of safety and security.

VISION

The Newport Police Department will be a highly motivated, professional law enforcement organization representative of and respected by the community we serve. We will continue to work in partnership with the community to provide innovative, effective, and efficient service with pride and dedication.

Adopted: 5-20-2000	
Updated: 3-30-2005	Effective: 6-6-2005
Updated: 12-28-2012 - D-12-015	Effective: 1-12-2013
Review: When needed	
Accreditation Standards: OAA 1.4.1	

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Table of Contents

CRIMINAL JUSTICE CODE OF ETHICS 1

MISSION STATEMENT AND VISION OF THE NEWPORT POLICE DEPARTMENT . . 2

Chapter 1 - Law Enforcement Role and Authority 8

100 - Law Enforcement Authority 9
102 - Public Safety Certification 11
104 - Oath of Office 12
106 - Policy Manual 13
107 - Chief Executive Officer 17

Chapter 2 - Organization and Administration 18

200 - Organizational Structure and Responsibility 19
201 - Police Administration 22
203 - Safety 30
204 - Departmental Directives 31
205 - Reports, Reviews and Inspections 33
206 - Emergency Operations Plan 37
207 - Incident Command 39
208 - Training 43
209 - Expenditures and Reimbursements 50
210 - CJIS - Local Agency Security Officer (LASO) -- Terminal Agency Coordinator (TAC) 53
211 - CJIS - Incident Handling and Response Plan 55
212 - Electronic Mail 57
213 - CJIS - Disposal of Media 59
214 - Administrative Communications 61
215 - CJIS - Integrity of Physical Access to NPD 62
216 - Staffing Levels 63
217 - CJIS Personnel Security 67
218 - Concealed Handgun License 70
220 - Retiree Concealed Firearms 71
221 - Suggestion Policy 75
223 - Format for Directives 77
225 - Department Owned Equipment 79

Chapter 3 - General Operations 80

300 - Force Response 81
301 - Threshold Incidents 90
302 - Use of Force Review Boards 92
305 - Arrests 95
306 - Handcuffing and Restraints 103
307 - Interviews, Interrogations and Confessions 108
308 - Control Devices and Techniques 112

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309 - Conducted Energy Device 117
310 - Officer-Involved Shootings and Deaths 124
312 - Firearms 134
313 - Vehicle Use Policy 145
314 - Vehicle Pursuits 151
316 - Officer Response to Calls 164
318 - Canines 168
320 - Domestic Violence 179
322 - Search and Seizure 185
323 - School Resource Officer 188
324 - Temporary Custody of Juveniles 192
326 - Adult Abuse 200
328 - Discriminatory Harassment 207
330 - Child Abuse 213
332 - Missing Persons 222
334 - Public Alerts 230
336 - Victim and Witness Assistance 233
338 - Hate Crimes 236
340 - Standards of Conduct 238
341 - CJIS Security Disciplinary Policy 246
342 - Information Technology Use 250
343 - Cellular Phones 254
344 - Report Preparation 258
345 - CJIS Security Addendum 263
346 - Media Relations 267
348 - Subpoenas and Court Appearances 271
350 - Reserve Officers 274
351 - Mutual Aid and Outside Agency Assistance 285
355 - Registered Offender Information 287
357 - Major Incident Notification 290
359 - Death Investigation 292
360 - Pharmaceutical Disposal Program 296
361 - Identity Theft 299
367 - Limited English Proficiency Services 300
369 - Communications with Persons with Disabilities 308
370 - Community Service Officer 316
375 - Stalking 320
376 - Emergency Action Plan 322
377 - Chaplains 324
378 - Minor In Possession 330
379 - Child and Dependent Adult Safety 332
381 - Service Animals 336
385 - Volunteer Program 339
387 - Off-Duty Law Enforcement Actions 343
388 - Department Use of Social Media 346
389 - Native American Graves Protection and Repatriation 349
390 - Extreme Risk Protection Orders 351

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Chapter 4 - Patrol Operations 354
400 - Patrol Function 355
402 - Bias-Based Policing 358
404 - Briefing Training 361
406 - Crime and Disaster Scene Integrity 362
410 - Ride-Alongs 365
412 - Hazardous Material Response 368
414 - Hostage and Barricade Incidents 370
415 - Active Shooter Tactical Response 376
416 - Response to Bomb Calls 380
418 - Civil Commitments 385
420 - Citation Releases 390
422 - Foreign Diplomatic and Consular Representatives 392
428 - Immigration Violations 396
430 - Emergency Utility Service 400
433 - Aircraft Accidents 402
435 - Field Training and Evaluation Program 406
437 - Obtaining Air Support 410
439 - Contacts and Temporary Detentions 411
441 - Criminal Organizations 415
443 - Shift Supervisors 419
445 - Mobile Audio Video 420
446 - Body Worn Cameras 426
447 - Mobile Digital Computer Use 433
449 - Portable Audio/Video Recorders 440
451 - Medical Marijuana 445
457 - Foot Pursuits 450
459 - Bicycle Patrol Unit 455
463 - Homeless Persons 459
464 - Public Recording of Law Enforcement Activity 463
465 - Suspicious Activity Reporting 466
466 - Crisis Intervention Incidents 469
467 - First Amendment Assemblies 474
468 - Medical Aid and Response 480
469 - Civil Disputes 486

Chapter 5 - Traffic Operations 489
500 - Traffic Function and Responsibility 490
501 - Professional Traffic Stops 493
502 - Traffic Collision Reporting 497
510 - Vehicle Towing 499
511 - Vehicle Forfeiture 505
514 - Impaired Driving 507
516 - Traffic Citations 513
524 - 72-Hour Parking Violations 515
527 - Radar Reader Board 517

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Chapter 6 - Investigation Operations 518
600 - Investigation and Prosecution 519
601 - Case Management 524
610 - Eyewitness Identification 528
612 - Brady Material Disclosure 532
613 - Unmanned Aerial System (UAS) Operations 535
614 - Warrant Service 539
615 - Operations Planning and Deconfliction 543
616 - Sexual Assault Investigations 549

Chapter 7 - Equipment 554
700 - Department-Owned and Personal Property 555
701 - Inventory Management and Control 558
702 - Personal Communication Devices 560
704 - Vehicle Maintenance 564
706 - Vehicle Use 568
707 - Float Vests 575
709 - Automatic External Defibrillators 576
711 - Thermal Imaging 578
712 - Personal Protective Equipment 582

Chapter 8 - Support Services 587
800 - Crime Analysis 588
804 - Property and Evidence 590
806 - Records Section 601
808 - Restoration of Firearm Serial Numbers 603
810 - Records Maintenance and Release 605
812 - Protected Information 613
820 - Animal Control 617
822 - Jeanne Clery Campus Security Act 621

Chapter 9 - Custody 626
900 - Custodial Searches 627
903 - Temporary Custody of Adults 633

Chapter 10 - Personnel 641
1000 - Recruitment and Selection 642
1002 - Evaluation of Employees 648
1004 - Special Assignments and Promotions 651
1006 - Grievance Procedure 655
1007 - Police Health Officer 658
1008 - Anti-Retaliation 659
1009 - Hepatitis B Vaccinations 663
1010 - Reporting of Arrests, Convictions, and Court Orders 664
1011 - Blood Borne Pathogen Procedure 667
1012 - Drug- and Alcohol-Free Workplace 670

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1014 - Sick Leave 673
1015 - Temporary Light Duty 676
1016 - Communicable Diseases 680
1018 - Smoking and Tobacco Use 685
1019 - Hearing Conservation Program 686
1020 - Personnel Complaints 688
1022 - Safety Belts 699
1024 - Body Armor 701
1026 - Personnel Records 703
1030 - Awards and Commendations 709
1032 - Fitness for Duty 716
1034 - Meal Periods and Breaks 720
1036 - Lactation Break Policy 721
1039 - Overtime Compensation Requests 723
1041 - Outside Employment 725
1043 - Occupational Disease and Work-Related Injury Reporting 730
1044 - Employee Death or Serious Injury 733
1045 - Personal Appearance Standards 738
1047 - Uniform Regulations 741
1051 - Nepotism and Conflicting Relationships 747
1052 - Business Transactions 750
1053 - Employee Involved Domestic Violence 751
1055 - Department Badges 755
1057 - Temporary Modified-Duty Assignments 757
1061 - Employee Speech, Expression and Social Networking 761
1062 - Illness and Injury Prevention 766
1063 - Line-of-Duty Deaths 772

Attachments . . . . . .

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

100.2 PEACE OFFICER POWERS

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

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

100.2.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

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

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

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

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

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

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

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

100.3 CONSTITUTIONAL REQUIREMENTS

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

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100.4 POLICY

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

While this [department/office] 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/office] does not tolerate abuse of law enforcement authority.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

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

100.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-11-2007	Effective: 8-1-2007
Reviewed: 5-7-2012	
Reviewed: 5-7-2014	
Updated: Lexipol 10/2016 D-17-003	Effective: 4-2-2017
Review: As needed	
Accreditation Standards: OAA 1.2.1	

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Public Safety Certification

102.1 PURPOSE AND SCOPE

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

102.2 BASIC CERTIFICATION

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

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 and dispatchers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

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

102.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-11-07	Effective: 8-1-07
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-11
Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-12
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-13
Updated: Lexipol 8/2015 -- D-15-011	Effective: 9-20-2015
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Reviewed: 10-20-2016 -- 600	
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Review: As needed	
Accreditation: OAA 1.1.3	

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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/office] members.

104.2 POLICY

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

104.3 OATH OF OFFICE

To the people of the City of Newport, I do solemnly pledge upon my honor as a police officer that I will faithfully execute the duties of a police officer of the City of Newport to the best of my ability. I pledge that my every act will exemplify honesty in thought, word and deed; justice-fairly administered; and a readiness at all times to do my best to protect lives and property of our citizens. It shall be my unswerving purpose to be friendly but impersonal, courteous but firm, and charitable to the inadvertent violator. I will obey all of the Department rules and regulations and follow the Criminal Justice Code of Ethics. I will uphold the constitutions and enforce the laws of the United States of America, the State of Oregon and the City of Newport.

104.3.1 CRIMINAL JUSTICE CODE OF ETHICS

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

104.3.2 MAINTENANCE OF RECORDS

The Oath of Office shall be filed in accordance with the established records retention schedule.

104.4 ADOPTION / REVIEW / ADDREDITATION

Adopted: 7-11-2007 Effective:: 8-1-2007

Reviewed: 5-7-2012

Reviewed: 5-7-2014

Updated: Lexipol 10/2016 Effective: 4-2-2017
D-17-003

Review: As needed

Accreditation Standards: OAA
1.1.1, 1.2.1

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Newport 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 Newport 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 Newport 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 Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.4 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations an ddefinitions used in this manual .

106.4.1 DISTRIBUTION OF MANUAL

Paper copies of the Policy Manual shall be distributed to the following:

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- Chief of Police
- Lieutenant
- Supervisors
- Conference Room

106.5 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

City - The City of Newport.

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

Department/NPD - The Newport Police Department.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Newport Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

OSP - The Oregon State Police.

Officer/sworn - Those employees, regardless of rank, who are sworn peace officers employees of the Newport 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.

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

106.6 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 Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

106.7 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7.1 POLICY REVIEW AND UPDATES

The Policy Manual will be reviewed by selected personnel pursuant to a schedule established by the Chief of Police. Policy sections will be reviewed in the following categories:

(a) Annually (high liabiity sections)

(b) Even Years

(c) Odd Years

(d) As needed

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This schedule does not preclude the need to update policies should a situation arised at any time. Lexipol generally provides updates twice each year fo rpolicies that have been influenced by changes in the court systems or best practices.

106.7.2 STAFF REVIEW
The Department supervisors, and a member of the Newport Police Association will review all recommendations regarding proposed changes to the manual.

106.8 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 Operations Lieutenant 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 Operations Lieutenants, who will consider the recommendations and forward them to the command staff as appropriate.

106.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-11-2007	Effective: 8-1-2007
Updated: Lexipol 1/2008	Effective: 4-13-2008
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: 8-8-2012 - D-12-006	Effective: 8-8-2012
Updated: Lexipol 8/2010 -- D-12-009	Effective: 8-29-2012
Updated: Lexipol 12/2013 -- D-12-021	Effective: 1-10-2014
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2016
Review: As needed	
Accreditation: OAA 1.1.4, 1.4.6	

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Chief Executive Officer

107.1 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 Newport Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060).

107.2 POLICY

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

107.3 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.

107.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: Lexipol 8/2016 -- D-16-008

Effective: 8-18-2016

Review: As needed

Accreditation: OAA 1.4.2

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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 DIVISIONS

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

- Administration Division
- Operations Lieutenant Division
- Investigation Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Technical Services and Administrative Services.

200.2.2 PATROL DIVISION

The Patrol Division commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Uniformed Patrol and Special Operations, which includes Traffic, Bicycle patrol, Field Training, Community Service and Parking Enforcement.

200.2.3 DETECTIVE DIVISION

The Investigation Division is commanded by a Supervisor whose primary responsibility is to provide general management direction and control for the Investigation Division. The Investigation Division consists of the Investigations Division, and Crime Analysis Unit.

200.2.4 RECORDS DIVISION

The Records Division is commanded by a Supervisor whose primary responsibility is to provide general management direction and control for that Division. The Records Division consists of the Records Unit, Uniform Crime Reporting Unit and Property/Evidence Unit.

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 supervisor 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:

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(a) Patrol Lieutenant

(b) On-duty Sergeant

(c) On-call Sergeant

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.

200.4.1 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-11-2007	Effective: 8-1-2007
Updated: Lexipol 12/2008 - D-09-001	Effective: 3-1-2009
Updated: Lexipol 6/2010 - D-10-004	Effective: 7-15-2010
Updated: 8-8-2012 - D-12-006	Effective: 8-8-2012
Reviewed: 10-4-2013	
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016

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Review: As needed	
Accreditation Standards: OAA 1.4.3, 1.4.4, 1.4.5	

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Police Administration

201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a broad statement of purpose for police existence, and the fundamental principles by which this organization will be managed.

201.2 POLICY

Governmental organizations are created to serve as an instrument of the people to perform those functions or services that individual citizens cannot do for themselves. It is, therefore, essential that all members of the Department be cognizant of our basic purpose and the objectives to accomplish that purpose.

The Chief of Police and the supervisors can lead and manage best when everyone on the Department team contributes ideas, recommendations, cooperation, and energy. These behaviors are good for employees, the Department, and the community. The best solutions and innovations often originate from within a healthy organization. Participatory management is not analogous to a democracy, however. A democracy affords equal vote and decision by majority. Participatory management encourages input from all members in order to influence and reach a better decision, particularly if those members have an expertise in an area, or are affected by the decision to be made. The final authority and responsibility, however, will always rest with the Chief of Police.

201.3 POLICE OBJECTIVES

Often, because there are no other public or private agencies available, the public relies upon the police for assistance and advice in the many routine and emergency situations that develop in an urban society. For this reason, and because there is frequently a potential for crime, the Department regularly responds to incidents where it is not contemplated that an arrest will be made.

Saving lives, aiding the injured, locating lost persons, keeping the peace, and providing many other miscellaneous needs, are basic services of the Department. To satisfy these requests, the Department responds to calls for service, and renders such aid or advice as is necessitated or indicated by the situation.

201.3.1 PREVENTION OF CRIME

Peace in a free society depends on voluntary compliance with the law. The primary responsibility for upholding the law, therefore, lies not with the police, but with the people. Since crime is a social phenomenon, crime prevention is the concern of every person living in society. Society employs full-time professional police to prevent and deter crime, and, when that fails, to apprehend those who violate the law.

Crime is a symptom of ills within society that are not the responsibility of the Department to cure. The Department is responsible, however, for interacting with the community to generate mutual understanding so that there may be public support for crime prevention. Community involvement

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is essential to facilitate a free flow of information between the public and the Department in order to assist in the identification of problem areas, and to inform the public of crime statistics and trends. The success of any police department's crime prevention efforts is directly proportional to the citizens' knowledge and acceptance of their individual responsibilities in a free society. Citizens' knowledgeable of their civic duties is more acute in their neighborhoods and communities, and far less tolerant of crime or conditions there that encourage criminality.

Knowledge of the community is necessary so that each Department employee may be instilled with a sense of concern for the crime problems and law enforcement needs in his/her assigned area of responsibility.

201.3.2 DETERRENCE OF CRIME

While there are certain crimes that cannot be deterred, crimes committed against property and innocent victims in public places are reduced by police patrol. Street crime is curbed by the potential criminal's fear of immediate apprehension, or by the increased likelihood of his detection. The deterrence of crime requires the investigation of behavior that reasonably appears to be criminally directed. In deploying patrol forces to deter crime and to inspire public confidence in its ability to ensure a peaceful environment, the Department must strike a balance between the desirable deterrent effect of visible patrol, and any undesirable appearance of oppression. In the long run, however, it must be the people, not the Department, who determine the limitations on their freedom.

201.3.3 APPREHENSION OF OFFENDERS

The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of a law violator. It has as its objective the voluntary compliance with the law as an alternative to punishment. Once a crime has been committed, it is the duty of the Department to initiate the criminal justice process by identifying and arresting the perpetrator, obtaining necessary evidence, and cooperating in the prosecution of the case.

As the certainty of swift and sure punishment serves as an effective deterrent to crime, the Department must diligently strive to solve all crimes, and to bring the perpetrators to justice.

201.3.4 RECOVERY AND RETURN OF PROPERTY

The actual costs of crime are difficult to measure. There cannot be a dollar value assigned to the broken bodies, ruined lives, and human misery that are the by-products of crime. However, it is possible to observe the steadily-mounting costs of lost and stolen property. This loss, as well as the other costs of crime, must ultimately be borne by its victims. To minimize the losses due to crime, the Department makes every reasonable effort to recover lost or stolen property, to identify the owners, and to ensure its prompt return.

201.3.5 MOVEMENT OF TRAFFIC

To facilitate the safe and expeditious movement of traffic, the Department must enforce traffic laws, investigate traffic crashes, and direct traffic. To enforce compliance with traffic laws, and to develop driver awareness of the causes of traffic crashes, the Department appropriately warns,

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cites, or arrests traffic law violators. Traffic crashes are investigated to protect the rights of the involved parties, to care for the injured, and to determine the causes of accidents so that methods of prevention may be developed. When a traffic law violation is discovered, the Department will gather the necessary evidence to prosecute the violator.

201.3.6 PUBLIC SERVICE

Often, because there are no other public or private agencies available, the public relies upon the police for assistance and advice in the many routine and emergency situations that develop in an urban society. For this reason, and because there is frequently a potential for crime, the Department regularly responds to incidents where it is not contemplated that an arrest will be made.

Saving lives, aiding the injured, locating lost persons, keeping the peace, and providing many other miscellaneous needs, are basic services of the Department. To satisfy these requests, the Department responds to calls for service, and renders such aid or advice as is necessitated or indicated by the situation.

201.4 GENERAL PROVISIONS

Department administration involves the efficient and economic management of a complex organization that performs its functions through the acts of its employees. Department functions involve the interaction of people, not only within its ranks, but also in all personal contacts between its employees and members of the public. Department administration is, therefore, occupied to a large extent with improving the ability of its employees to properly perform the police task, and with strengthening the relationship that exists among all employees and the public they serve. Recognition of the human factor is an administrative challenge in the Department's effort to provide a consistent and professional police response to the community's law enforcement needs.

Department personnel are required to make decisions involving the public and other employees in response to both administrative and operational problems. The decision process involves more than loyalty; it requires insight into the objectives and purposes of the Department, duty under the law and to the people, and the manner and means by which the task is to be performed and the objectives achieved. The decision must be a balance of involved interests, considering what is best for the public, the Department, and any individual involved. That decision must then result in effective action directed toward the accomplishment of the Department's objectives. The requirement that such insight be exercised is implicit in all decision-making, and it is the thread that binds the complex and difficult law enforcement tasks into a coordinated and effective force.

201.5 SUPERVISORY RESPONSIBILITY

Supervisors have a responsibility to maintain professional and community contacts as they relate to their team. As a representative of the Department, supervisors must take an active role in the community, and participate in identifying and providing for its law enforcement needs.

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201.5.1 COMMAND CONCERN FOR EMPLOYEE WELFARE

The nature of command is such that there must be a coexisting loyalty to the management of the Department and to subordinates. The resolution of those loyalties in a manner that benefits both the Department and the individual, and avoids conflicts between the two interests, requires the exercise of leadership. An interest in employees and their welfare is a responsibility of command that may extend beyond morale problems and their effect upon an individual's performance. The interest in employees and their welfare includes concern for the personal problems, desires, and interests of employees, and positive assistance in resolving those problems or in achieving their goals. However, supervisors should be cautious to avoid interfering where assistance is not required or desired.

201.5.2 COMMUNITY LIAISON BY SUPERVISORS

Supervisors have a responsibility to maintain professional and community contacts as they relate to their team. As a representative of the Department, supervisors must take an active role in the community, and participate in identifying and providing for its law enforcement needs.

201.6 UNITY OF COMMAND

When members of the different units are engaged in a single operation, the Patrol Supervisor at the scene shall be in charge, except in the case of a major crime scene or search. In those situations, the Operations Lieutenant or detective may assume command of the scene. The Chief of Police may assume command at any time, regardless of the type of incident.When patrol and investigations personnel are at the same scene simultaneously, the patrol unit shall be in charge, except in the case of a major crime scene or search. In those situations, investigations shall be in command.Non-sworn supervisors present at a field operation may not assume command, even in the absence of other supervisors.

201.6.1 STRUCTURE

Each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. However, any supervisor may direct any subordinate, regardless of who the subordinate's regular supervisor is, as operational necessities dictate.

Each organizational component shall be under the direct command of only one supervisor at any given time.

Except in an emergency, no supervisor shall be responsible for more than ten employees a time.

201.6.2 ON SCENE COMMAND

When members of the different units are engaged in a single operation, the Patrol Supervisor at the scene shall be in charge, except in the case of a major crime scene or search. In those situations, the Operations Lieutenant or detective may assume command of the scene. The Chief of Police may assume command at any time, regardless of the type of incident.When patrol and investigations personnel are at the same scene simultaneously, the patrol unit shall be in charge, except in the case of a major crime scene or search. In those situations, investigations shall be in

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command.Non-sworn supervisors present at a field operation may not assume command, even in the absence of other supervisors.

201.7 AUTHORITY AND RESPONSIBILITY

Consistent with the principles of sound supervisory practices, all supervisory personnel will be held accountable for the performance of their subordinates. To facilitate this end, training for supervisory personnel is provided.

Each employee within the organization has clearly articulated duties and responsibilities. Each employee is hereby delegated the authority necessary to effectively execute those responsibilities. Each employee will also be held accountable for the appropriate application of that delegated authority.

201.8 PLANNING RESPONSIBILITY

Reports, findings, and conclusions of research and planning projects will be distributed to any and all personnel affected, or to any personnel who could benefit by the information. One copy will be filed by the Chief of Police for future research purposes by any Department member.

201.8.1 SCOPE OF PLANNING

While each plan differs according to the need for which it is developed, each plan should define its need, objective scope and purpose, the method for its implementation, and a means of evaluating its effectiveness.

201.8.2 USE OF TASK FORCE FOR PLANNING

When a need develops for a single-use plan affecting more than one unit, or when it is necessary to develop a major project within a limited time, it may be appropriate to assemble a task force. When a task force is assembled, it must be structured with clearly defined objectives, organization, responsibility, and authority. It should be placed under the control of an existing organizational unit.

201.8.3 COMPLETED STAFF WORK

The result of an effort to research a problem and develop a solution, leaving nothing for the final authority to do except approve or disapprove, is traditionally known as "completed staff work." In such projects, it is essential that original instructions include identification of the problem, direction, desired scope of endeavor, and the time limit for completion. Direction should clearly indicate what is desired by way of the project. The project should include adequate research to accurately define the problem, and to examine all reasonable solutions. The assigned employee should include in his/her report a recommendation and a summary of the findings supporting the conclusion. In completed staff work, a final step, prior to obtaining concurrence, is notification of the findings, and recommendations of the project, to involved organizational components.

201.8.4 DISTRIBUTION

Reports, findings, and conclusions of research and planning projects will be distributed to any and all personnel affected, or to any personnel who could benefit by the information. One copy will be filed by the Chief of Police for future research purposes by any Department member.

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201.9 DEPARTMENT DIRECTIVES

In an organization such as the Police Department, it is essential that directives communicate desired information to concerned employees as accurately as possible. Directives should be well researched, properly drafted, and subjected to staff review for concurrence. A supervisor may issue a directive as long as it affects his/her command only, and does not conflict with Department directives regarding policies and procedures. Ordinarily, where there is more than one unit affected, directives will be issued by the Chief of Police.

201.10 CHAIN OF COMMAND

The Chief of Police must necessarily limit the number of persons who report to him/her. Therefore, to ensure the unity of command, clearly defined lines of authority must be drawn so that a structural relationship exists between each employee and the Chief of Police. Each employee must be aware of his/her relative position in the organization, the person to whom he/she is immediately responsible, and the persons who are accountable to him/her. Employees should strive at all times to operate within the chain of command, and to keep their supervisors informed of their activities. The Chief of Police is available to any member of the organization who wishes to have a discussion or meeting. Employees needing official action by the Chief of Police in order to effect police operations should make an appointment with the Chief of Police to discuss the issues.

201.11 INSPECTION AND CONTROL

Inspection and control are necessary to ascertain that policies and procedures are adequate and being followed, to determine that Department resources are adequate and being properly utilized, and to evaluate the overall performance, attitude, and appearance of the Department. It is the responsibility of each supervisor to continually conduct inspections within his/her area of responsibility in order to ensure the proper performance of assigned personnel, and the most efficient use of assigned equipment, material, and facilities. Merely finding fault is not inspecting. Therefore, a supervisor's responsibility does not end with discovering a deficiency or inadequacy; it includes taking positive measures to correct the problem.

201.12 PERSONNEL

The vitality of the Department is not maintained by promoting those with the longest tenure track, but rather through the selection and promotion of the most qualified personnel to position of increased responsibility. The Department, through its supervisors, must help in the selection process by accurately rating and evaluating employees for promotion, by developing, reviewing, and actively participating in the promotion process, and by advancing the most qualified.

201.12.1 RECRUITMENT

To obtain the highest possible caliber of candidates, it is essential that the Department participate in the recruitment process. To this end, the Department assists in an active, formal recruitment program by involving its members in the creation and implementation of the selection process, including, but not limited to, all oral examinations and background investigation review panels whose decision on qualified candidates will be reported directly to the Chief of Police. Additionally,

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officers in their daily contact with the public become the Department's best recruiters. By their demeanor and enthusiasm, they favorably impress and attract the type of individual that the police service needs. Because of their experience and knowledge, they are able to counsel persons who show an interest in law enforcement careers, and to encourage applications by those who appear qualified.

201.12.2 OATH OF OFFICE

All employees of the Police Department who are empowered with the authority to take enforcement action that may deprive a citizen of their freedom, is required to take an Oath of Office immediately upon appointment to that position. The Oath of Office will obligate the individual to support the Constitution of the Untied States of America, the Constitution and law of the State of Oregon, the laws and ordinances of this City, and the policies and procedures of this Police Department.

201.12.3 DUTY ASSIGNMENTS

Allocation of personnel to specific assignment is made with the aim of establishing optimum effectiveness within the Department, while recognizing the needs, ability, and preference of individual employees.

201.12.4 ADVANCEMENT

The vitality of the Department is not maintained by promoting those with the longest tenure track, but rather through the selection and promotion of the most qualified personnel to position of increased responsibility. The Department, through its supervisors, must help in the selection process by accurately rating and evaluating employees for promotion, by developing, reviewing, and actively participating in the promotion process, and by advancing the most qualified.

201.13 CIVILIAN EMPLOYEES

Law enforcement professionalism is enhanced when officers perform only those tasks where there is an identified need for police knowledge and skills. To this end, the Department employs civilians in those positions where there is no such demonstrated need. In addition to releasing officers for more traditional tasks, the use of non-sworn personnel makes it possible to hire employees for their specialized skills, resulting in greater Departmental efficiency.

201.14 BUDGETING

The budgetary process is an essential planning tool that enables the Department to organize its financial resources in a directed effort to derive the maximum return for the tax dollars expended.

The Department budget represents an evaluation of relative needs within the Department, based upon quantitative and qualitative data. It involves a decision regarding objective priorities, with consideration given to the volume and type of work required, and the costs involved.

Budgeting is a continuous process. It involves the identification of objectives, and the determination of organizational needs based upon a reasonable evaluation of future requirement.

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201.15 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-11-2001	Effective: 5-11-2001
Reviewed: 2-3-2013	
Reviewed: 3-1-2015	
Reviewed: 601 - 8-11-2017	
Review: Odd Years	
Accreditation Standards: None	

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Safety

203.1 PURPOSE AND SCOPE

The Newport Police Department shall furnish to each employee a work place free from recognized hazards that are causing or likely to cause death or serious injury to employees, and shall comply with the Occupational and Health Standards under the Oregon Safe Employment Act of 1973

Supervisory responsibility includes being familiar with safety regulations, normal inspections of equipment and facilities, investigation of accidents involving employees and corrective actions on hazards, including discipline.

203.2 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-4-00	Effective: 5-20-00
Review: As needed	
Accreditation Standards: OAA 1.5.5, 1.5.7	

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Departmental Directives

204.1 PURPOSE AND SCOPE

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

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge the receipt and review of any new Departmental Directive as they become available. Electronic acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Operations Lieutenant.

204.4 DISTRIBUTION

Copies of the Directive shall be distributed to the following:

- Chief of Police
- An electronic copy on the Y-Drive at Y:NPD/Shared/Directives

204.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-11-07	Effective: 8-1-07

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Departmental Directives

Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Updated: 2-7-2013 -- D-13-002	Effective: 2-7-2013
Updated: Lexipol 8/2015 -- D-15-011	Effective: 10-31-2015
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: 4-27-2020 -- D-20-003	Effective: 5-11-2020
Review: As needed	
Accreditation Standards: OAA 1.4.6	

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Reports, Reviews and Inspections

205.1 PURPOSE AND SCOPE

A law enforcement agency is responsible to its citizens to provide excellent service. To do so, many policy and procedures have been developed. To insure the quality of service that is provided periodic review and inspections of policy, procedures, equipment and personnel must take place. In addition, reports of particular situations must be made so that there will be a documented record.

This policy covers when certain reports, reviews and inspections are to be completed, by whom, and who should receive the document.

205.2 TASKS

Reports, Reviews and Inspections

(a) After Action Reports / Special Events (Supervisor of Incident). Review of planning and logistics following major events. (per incident). Distribution: Chain of Command to Chief

(b) Fire Detection Devices Inspection (Evidence Custodian). Visual inspection of sprinklers and other fire detection devices in Police facility. (weekly)

(c) Fire Equipment Inspection (Evidence Custodian, Officers). Visual inspection of fire extinguishers in building (Evidence Custodian), and police vehicles (Officers) (weekly)

(d) Fiscal Management Status (Chief). Provides a periodic measuring stick to management for assets and expenditures. (monthly). Distribution: Police Management

(e) Goals and Objectives (Chief). Provides long range strategic planning for one to five years. (fiscal year). Distribution: City Council and Police Management

(f) Inspection and test of alternate power source for Police building (Supervisor on Fridays). Periodic test of backup power system (weekly).

(g) Narcotics, Cash and Firearms Inventory (Evidence Custodian). Complete inventory of all narcotics, cash and firearms (quarterly). Distribution: Chain of Command to Chief

(h) Performance Evaluations (all Supervisors). Evaluations of all Department employees (annually). Distribution: Chain of Command to Chief and Human Resources

(i) Performance Evaluation for New Employees (designated supervisors). Periodic evaluations of new employees (monthly for one year following completion of FTEP or for twelve months after hire for non-sworn employees). Distribution: Chain of Command to Chief and Human Resources

(j) Property Control Procedures Review (Records Supervisor). Review of Property Control to update procedures (semi-annually).

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(k) Property and Evidence Control (Records Supervisor and Evidence Custodian). Annual complete inventory of all property and evidence. (annually, when new Evidence Custodian takes over or a new Chief of Police is appointed). Distribution: Chief

(l) Property and Evidence Audit (Records Supervisor). Random audit of property and evidence (monthly). Distribution: Chief

(m) Threshold Incident Review (Patrol Commander). Risk management review of threshold incidents (per incident). Distribution: Chief

(n) Traffic Crash Analysis (Traffic Supervisor). Collection of data and analysis of traffic crash patterns, hazards and policy (annual). Distribution: Police Management

(o) Use of Force Reports Analysis (Patrol Commander). Analysis and review of weapons, policy and trends (annually). Distribution: Police Management

(p) Vehicle Pursuit (Supervisor of incident). Review of tactics, equipment and policy of individual vehicle pursuits shortly after incidents occurs (per incident). Distribution: Chain of command to Chief

(q) Vehicle Pursuits Analysis (Patrol Commander). Analysis and review of pursuits for equipment and policy (annual). Distribution: Police Management

(r) Automatic External Defibrillator (AED) Inspection (medical liaison). Check all AED's for wear and functionality (annually). Distribution: Chain of command to chief

(s) Right To Know Station (Safety Committee representative). Ensure that material is up to date (annually).

(t) Eye Wash Station (Safety Committee representative). Check for functionality (monthly).

(u) Gas masks (Tactical representative). Check individual masks for wear, fit test officers (annually).

(v) Vehicle inspections (officers assigned personnel). Inspect and inventory Department vehicles (weekly). Distribution: Fleet Supervisor

(w) Personal Flotation Devices (Fleet Supervisor). Check use or discharge (annually).

(x) Annual Required Training (Training Supervisor). Schedule mandated training for Department members (annually).

(y) Critical Department Policies reviewed (Chief). Review all critical policies (annually).

(z) Non-critical Department Policies reviewed (Chief). Review all non-critical policies (bi-annually).

(aa) Firearm inspections (Armorer). Inspect all firearms approved for Departmental use (annually).

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(ab) Reviews/Inspections (Chief). Verify that all inspections have been completed (annually).

(ac) Canine drug training aids (Canine Supervisor). Inspect training aids for damage and/or tampering. (quarterly).

205.3 CHART BY PERSON RESPONSIBLE FOR TASK

	Report on Fiscal Management Status		Monthly
	Goals and Objectives		Fiscal Year
	Review critical policies		Annual
	Review non-critical policies		Bi-annual
	Inspections		Annual
	Visual Inspection of Fire Detection Devices		Weekly
	Visual Inspection of Fire Equipment (building)		Weekly
	Inventory of Cash, Narcotics and Firearms	3.3.4	Quarterly
	Review of Threshold Incident		Per Incident
	Analysis of Use of Force reports, lethal weapons and less-lethal weapons	1.3.7 1.3.6	Annual
	Analysis of Vehicle Pursuits	2.1.2	Annual
	Random Audit of Property and Evidence	3.3.10	Monthly
	Inventory of all Property and Evidence	3.3.10	When new evidence technician takes over or a new chief of police is appointed
	Inspection of Property Control Procedures		Semi-annual
	Employee Performance Evaluations	1.5.3	Annual
	Evaluations for New Employees	1.8.2	Monthly after FTEP for first year or 12 months after hire for non-sworn personnel

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	Review of Threshold Incident		Per incident Supervisor (of incident)
	Vehicle Pursuit		Per report
	After Action Report Special Events		Per incident
	Inspection and Test of Alternate Power Source	3.1.3	Weekly
	Analysis of Traffic Crashes	1.10.1	Annual
	Schedule mandatory training		Annual
	Inspect Personal Flotation Devices		Annual
	Inspect drug training aids	2.1.5	Quarterly
	Inspect AEDs		Annual
	Inspect Right to Know Station		Annual
	Inspect eyewash station		Monthly
	Inspect gas masks, fit test officers		Annual
	Inspect and Inventory police vehicles		Weekly
	Firearm inspections		Annual

205.4 ADOPTION / REVIEW / ACCREDITATION

Adoption: 9-5-2007	Effective: 10-1-2007
Updated: 4-1-2009 - D-09-004	Effective: 4-1-2009
Reviewed: 605 - 12-23-2015	
Reviewed: 605 - 8-11-2017	
Review: Annual	
Accreditation: 1.6.2, 3.3.10, 2.1.5	

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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 Newport Emergency Operations Plan.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways (Refer to EOP Section 4.3.1). 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 Newport 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.

206.3 LOCATION OF EOP MANUALS

The EOP manual for the employees is available in the Records Section and the Report Writing Area. An electronic copy of the manual is also available on the City Shared Drive (Y:\Shared). All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented (Refer to EOP Section 3.4.6).

206.4 BUILDING EVACUATION PLAN

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

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 with the City's Emergency Planning Committee.

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206.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-1-2010	Effective: 9-15-2010
Update: Lexipol 6/2011 — D-11-007	Effective: 7-25-2011
Update: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Review: Annually	
Accreditation Standards: OAA 2.3.1	

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Incident Command

207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the planning, response to, and control of unusual occurrences and disaster situations.

207.2 POLICY

It shall be the policy of this agency to utilize the Incident Command System as a means of coordinating and controlling complex situations.

When an event occurs or is scheduled which appears, by its nature or scope, to represent a potential to escalate beyond local resource ability to control, the officer in command has the option of initiating the Incident Command System.

207.3 INCIDENT COMMAND

The Incident Command System may be initiated at any emergency, large or small, involving law enforcement response. One person must be in command: assessing the situation and available resources, determining an appropriate incident action plan, monitoring the plan's effectiveness, and continually modifying the plan to meet the realities of the situation.

Responsibility - The Chief of Police or his designate is responsible for planning responses to unusual occurrences and disaster situations.

(a) Situations involving incidents of local scope may be delegated by the Chief to a team level supervisor, who will devise an incident plan.

(b) Situations of a disastrous nature, whether civil, man made, or natural, will involve implementation of an Emergency Operations Plan.

The Chief of Police or his designate shall ensure that the Emergency Operations Plans are reviewed on an annual basis, and that current copies are accessible to all Department members.

Elements of an Effective Emergency Incident Command System - To be effective, an incident command system must be suitable for use regardless of the type of jurisdiction or agency involvement. These may include single jurisdiction/single agency, single jurisdiction/multi-agency, and multi-jurisdiction/multi-agency involvement. The organizational structure must be adaptable to any incident, applicable and acceptable to users throughout a community or region, readily adaptable to new technology, and capable of logical expansion from the initial response to the complexities of a major emergency.

The Incident Command System has four major functional areas that are addressed in the Department Local Incident Plan for unusual occurrences, and Department Emergency Operations Plan for disaster situations.

- Command

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- Operations
- Planning
- Logistics

207.4 INCIDENT COMMAND: LOCAL INCIDENT PLANS

The Department Local Incident Plan shall set forth the requirements for response to unusual events at a local level. This plan shall be used as a checklist and operational base for individual incidents.

Unusual occurrences handled at a local level may be either planned events that occur at a given or scheduled time and place, or unplanned events that occur spontaneously and are unpredictable.

Planned events - Included in this category are annual events and activities that are scheduled with enough lead time to adequately assess and plan, which may include such events as:

- Fourth of July fireworks
- Labor disputes or strikes
- Visiting dignitaries
- Seafood & Wine Festival
- Loyalty Days Celebration/parade

Unplanned events - Includes incidents that escalate disproportionately, natural phenomena, or unplanned events requiring immediate multi-agency resource response, including but not limited to:

- Spontaneous civil disturbances
- Escapes or disturbances at the correctional facility
- Aircraft emergencies
- Active Shooter incidents
- Hostage/barricaded suspect
- Bomb threats
- Hazmat events
- Fire coverage
- Natural phenomena such as storms, floods, tsunamis, or earthquakes

Responsibility - Planned events are generally handled by the Patrol component as a directed patrol strategy. The Chief of Police may elect to delegate the supervision and coordination to a team supervisor.

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Plan Development - The officer assigned as supervisor and coordinator for the event shall develop a written plan, based on any Departmental plans for the event, that shall be routed to the Chief of Police. The Department plan shall include, at a minimum, provisions for addressing the following on an individual event level:

- Command - Establishment of a unified command structure capable of coordinating and controlling agency components. The command function must be capable of, in addition, expanding to coordinate outside agencies and resources, if applicable, and the deployment of special operations personnel, if needed.
- Operations - The operations function is responsible for the development and implementation of a personnel schedule based on information received from the planning function, to include: identifying resources by name, agency, task, and location; and scheduling appropriate resources by date and hours of duty.
- Planning - The planning function must create an incident overview, that provides a synopsis of the incident with estimates of expected law enforcement and resource concerns to include:
    - expected criminal or gang problems
    - traffic and crowd control problems
    - projected personnel needs
    - contingency plans for dealing with special circumstances created by the incident.
- Logistics - The logistical function establishes projected logistical needs for the incident, facilitates the deployment of special operations or resources if needed, and deals with contingencies for ingress and egress to the incident.

207.5 INCIDENT COMMAND: EMERGENCY OPERATIONS PLAN

The Departmental Emergency Operations Plan shall set forth the requirements for response to major incidents and disaster situations that exceed the capabilities of local resources.

The Department Emergency Operation Plan shall include a mobilization plan for responding to disasters, whether natural or man made, and include contingencies for escalation or de-escalation of the situation, inter-departmental and multi-agency response, civil disturbances and mass arrests, and post-incident duties.

Responsibility - The most senior officer initially available shall initiate the Emergency Operations Plan, and maintain command and control until relieved by a more senior officer. Upon arrival, the Chief of Police or his designee shall assume responsibility for command and control of the incident.

Plan Development - The Department Emergency Operations Plan shall include, at a minimum, provisions for addressing:

- Command - The command function should ensure that the key personnel designations for functions are staffed and coordinated. Chain of command at a multi-agency level

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shall be initiated as soon as possible, with designated command posts established. The command function shall additionally perform the necessary functions in liaison and public information/media briefings.

- Operations - The operations function is responsible for designating alert stages and establishing communications with the other functions. Additionally, operation of primary and alternate assembly areas, law enforcement activities, scene control, and physical security are operations functions.
- Planning - The planning function is responsible for creating an incident overview that provides a synopsis of the incident with estimates of expected law enforcement and resource concerns. The planning function utilizes rehearsals prior to an event, and after action reports in a post incident mode to prepare the other functions, and establishes de-escalation criteria.
- Logistics - The logistics function is responsible for the distribution of equipment throughout the scope of the incident, at a multi-agency level. Additionally, the logistics function is responsible for transportation requirements, food, water, sanitation, and medical supplies.

207.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-11-2001	Effective: 5-11-2001
Reviewed: 3-29-2013	
Reviewed: 602 - 8-11-2017	
Review: Odd Years	
Accreditation Standards: OAA 2.3.1	

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Training

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

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/office] personnel.

(d) Enhance the safety of officers and the community.

208.4 TRAINING PLAN

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

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

208.4.1 IN-SERVICE TRAINING TOPICS

(a) Departmental policy, procedures, and rules and regulations.

(b) Statutory and case law affecting law enforcement and the current operation of the department.

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(c) Functions of other agencies in the local criminal justice system and resources and assistance they can supply to the department.

(d) Interrogation and interviewing techniques and the laws which affect these subjects.

(e) Firearms qualification and tactical training

(f) Departmental policy on the use of force, including the use of deadly force.

(g) Review of less lethal policy and weapons.

(h) New and innovative investigative or technological techniques or methods.

(i) Recognizing and handling hazardous materials.

(j) Portable fire extinguisher use

(k) Missing child investigations

(l) Blood borne pathogens

(m) First aid/CPR recertification

(n) Training related to hearing conservation

(o) Departmental contingency plans relating to special operations, unusual occurrences, severe weather, natural and man-made disasters or any other areas of concern.

(p) Report writing and record system procedures and requirements.

(q) Handling the mentally hill

(r) Prisoner Rape Elimination Act

(s) Any other topics deemed essential to the needs, and improve the performance and efficiency of, the department.

208.4.2 SUPERVISOR IN-SERVICE TRAINING TOPICS

Training content for retraining, specialized training and supervisory training will include all pertinent areas of police responsibility and include, but not limited to, the following:

(a) Departmental policy including rules and regulations.

(b) Statutory case law and court decisions.

(c) Review of the functions of different agencies in the criminal justice system.

(d) Police discretion.

(e) Interrogation and interviewing techniques.

(f) Departmental policy involving the use of force.

(g) Emergency medical services.

(h) The performance evaluation system.

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(i) New investigative techniques and technology.

(j) Hazardous materials incidents.

(k) Crime Prevention.

(l) Collecting and preserving evidence.

(m) Report writing and record requirements.

208.5 TRAINING NEEDS ASSESSMENT

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

208.6 ROLL CALL TRAINING

A roll call training program is in effect and will be maintained at this Department to ensure that all sworn personnel are made aware of recent changes that may impact on their duties and responsibilities. The primary purpose of roll call training is to keep sworn personnel apprised of information and changes between formal training sessions.

208.6.1 PLANNING AND PREPARATION

The planning and preparation for roll call training will be the joint responsibility of the Chief of Police and Supervisory staff.

208.6.2 TECHNIQUES AND INSTRUCTIVE METHODS

Within the constraints of time and space, the instructor will have the responsibility for determining the most appropriate and effective instructive method or technique to be utilized, i.e. handouts, lectures, training bulletins, video tapes, etc.

208.6.3 INSTRUCTIONAL PERSONNEL

Given the complex and varied nature of roll call training topics, any Department employee can be selected as a roll call instructor, as well as any outside personnel. The Training Sergeant will select the most appropriate instructor based upon the topic, scheduling, and expertise.

208.6.4 EVALUATION OF ROLL CALL TRAINING

Session critiques will be forwarded to the Chief of Police by or through the Patrol Supervisor.

208.6.5 SCHEDULING OF ROLL CALL TRAINING

Roll call training will occur monthly.

208.6.6 ROLE OF SUPERVISORS

All Supervisors and Officers are encouraged to identify and recommend topics, ideas, and issues for roll call training. All Supervisors are authorized to conduct roll call training sessions that review current laws, policies, and procedures, Supervisors must document this training (topic,

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attendance, and comments) and forward it to the Chief of Police. Shift supervisors must be prepared to assure that training is received by all personnel under their command.

208.6.7 ROLE OF OFFICERS
All on-duty Officers will be expected to attend scheduled roll call training sessions.

208.6.8 TRAINING RECORDS
All training records shall contain the following information:

(a) Date and time of training.

(b) Subject or material covered.

(c) Name and employee number of each employee attending.

(d) Name and employee number of each employee who missed training.

(e) A copy of all Unit Training Records will be forwarded to the Chief of Police.

Shift supervisors, and training coordinators will encourage feedback from unit personnel in an effort to evaluate and improve roll call and other unit training.

208.6.9 TRAINING METHODS
Roll Call Training may be presented in one of the following manners:

(a) Video Tapes

(b) Training tapes prepared by certified trainers.

(c) Training tapes prepared by other accredited organizations from outside the Newport Police Department.

(d) Training bulletins researched and prepared by the Newport Police Department staff. These bulletins will be distributed by the Training Sergeant on a regular basis to each division within the department.

(e) Training aids supplied by or purchased from other agencies such as the FBI, IACP, Bureau of National Affairs or other such materials as deemed appropriate by the Chief of Police or the supervisory staff. All training aids will be reviewed and distributed by the Chief of Police.

208.7 TRAINING PROCEDURES

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

1. Court appearances.

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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 Operations Lieutenant to attend an alternate date.

208.8 ADVANCED TRAINING

Upon receiving training announcements or other notifications of advanced training schools or seminars, the Training Sergeant will forward such announcements to Department staff.

208.8.1 REQUEST ATTENDANCE

All members that request to attend training shall prepare a training request to their direct supervisor. All training request shall contain the following:

(a) What do you expect to get from the training?

(b) What benefit is the training to NPD?

(c) How does this training fit with your career goals?

All training requests will be reviewed and responded to. In the event of multiple requests to attend training are received, selection will be made based upon Department need, and funding availability.

208.8.2 SUPERVISOR RECOMMENDATION

Upon receipt of any training request, the supervisor will prepare a recommendation and provide fiscal and scheduling impacts on our Department. Supervisors shall make written recommendations to the Training Sergeant as to the value of such training programs. If a Supervisor determines that the training will enhance his unit's efficiency he will select unit personnel to attend the training. In selecting personnel to attend advanced training the following criteria will be used:

(a) Officer or member's leadership capabilities.

(b) Individuals past performance record.

(c) Leave and attendance record.

(d) Disciplinary record within the last twelve (12) months.

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(e) Final approval of attendance and personnel selection will be approved by the Chief of police.

208.8.3 TRAINING ATTENDANCE EXPECTATIONS
Officers receiving advanced training will critique the training received and be prepared to conduct unit or departmental training classes as directed. If an officer from Patrol attends advanced training and the training can best be used by a specialized unit; consideration will be given to transferring that officer to the specialized unit when a vacancy occurs.

208.9 TRAINING COSTS

It is the responsibility of the Operations Lieutenant to determine when the Newport 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.

208.10 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Newport 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 Operations Lieutenant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Operations Lieutenant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

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

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

208.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 2-21-2007	Effective: 8-1-2007
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011

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Training

Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: D-16-002 - 3-25-2016	Effective: 3-31-2016
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: D-18-001 -- 1-4-2018	Effective; 1-20-2018
Updated: Lexipol 1/2018 -- D-18-002	Effective: 3-3-2018
Review: As needed	
Accreditation Standards: OAA 1.8.1	

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Expenditures and Reimbursements

209.1 PURPOSE AND SCOPE

The Newport Police Department, as with any other organization must make expenditures to conduct everyday activities. Often the Department requires personnel to travel to locations for the purposes of training, investigations, conference, etc. The travel is essential to complete the mission of the Department. There are also times where personnel must expend their own funds to make purchases for the Department.

It is the policy of the Newport Police Department to be fiscally responsible ad expend funds in a cost efficient manner. The Department shall insure orderly records of the expenditures. It is also the policy to reimburse personnel for authorized expenses made on behalf of the Department.

209.2 EXPENDITURE AUTHORITY

(a) Supervisors - may make or approve expenditures up to a $50.00 limit without prior approval.

(b) Fleet Supervisor - may make or approve vehicle maintenance related expenditures up to a $500.00 limit without prior approval.

(c) Lieutenant - may make or approve expenditures up to a $500.00 limit without prior approval.

(d) Chief of Police - may make or approve expenditures up to a $5000.00 limit.

(e) City approval - Any expenditure in excess of $5000.00 must have the approval of the City Manager.

209.3 PURCHASE REQUEST

All purchases must have prior approval from supervisors. When a need arises to purchase an item, a Purchase Request form needs to be completed.

(a) REQUESTER - Any Department member may make a request to purchase an item. A purchase request form shall be completed indicating, at a minimum, the item to be purchased, quantity, vendor (if known), approximate cost and justification for the purchase. The purchase request form will be marked to indicate who the form should be returned to once approved.

(b) APPROVAL - The purchase request will be submitted to the member's immediate supervisor. The supervisor will approve the request, if appropriate, or endorse the request and forward it to a higher authority for approval.

(c) VERBAL APPROVAL - Depending on the urgency to obtain an item, supervisors may give verbal approval for purchases. A purchase report must be completed.

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(d) PURCHASE - Once the request has received approval, the member may make the purchase or forward the request to the Department Executive Assistant who will arrange for the purchase and payment of the item.

(e) RECEIPTS - Receipts or invoices shall be attached to the purchase requests when the transaction is completed. The Purchase Request and receipts shall be turned into the Chief's Office within seven (7) calendar days of the purchase.

209.4 TRAVEL REQUESTS

Any travel request must have prior approval of a supervisor.

(a) INITIAL REQUEST - Requests for travel shall be made through the Chain of Command. A memorandum should be initiated detailing the reason for the travel, anticipated costs for meals, lodging, conference fees, etc.

(b) ADVANCEMENT REQUEST - If a cash advance is needed for the travel, the amount needed should be included in the memorandum. A purchase request should also be attached. Advancement requests should be made at least two (2) weeks prior to the intended departure date.

209.5 BUSINESS EXPENSE RECORD

Any expenditures made during a trip shall be documented on a Business Expense Record.

(a) TRAVEL - The Business Expense Record is submitted after the completion of any approved travel. All expenditures are noted on the form as well as any advanced monies not spent that is to be returned to the City, or any reimbursements needed for the Department members.

(b) MEALS - Meal costs are reimbursed at an amount set in City policy or the Collective Bargaining Agreement, depending if the member is represented by the Newport Police Association.

(c) TRANSPORTATION - The mode of travel is by City vehicle to and from the destination or flight departure point. Personal vehicles shall not be used for travel unless prior approval is received from the Chief of Police.

(d) RECEIPTS - Receipts documenting expenditures shall be attached to the Business Expense Record.

(e) OTHER REIMBURSEMENTS - The Purchase Request form is to be used for reimbursement for purchases made with Department member's own funds.

(f) SUBMISSION TIME LINE - All Business Expense Record forms shall be submitted to the Department's Executive Assistant within seven (7) calendar days of the Department member's return to duty.

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209.6 DEPARTMENT ISSUED PURCHASE CARDS (P-CARDS)

The City issues Department members an individual purchase card (P-Card) to purchase items from merchants and vendors to meet Department needs. The purchase card system is more efficient, cost-effective method of purchasing and paying for certain items and encourages good purchasing practices from the card holder.

209.6.1 ISSUED CARDS

Purchase Cards are prepared for each member of the Department. The P-Cards will be kept by the Department's Executive Assistant and issued when needed. The cards shall be returned when no longer needed. Some members of the Department, upon approval of the Chief of Police may retain the card when more frequent use is possible.

P-Cards have pre-determined limits. When checked out, the limit may be adjusted as needed.

209.6.2 USE OF CARD

Purchase Cards are issued with an individual member's name embossed on the front. It is similar to a standard credit or debit card. Only the person who's name appears on the P-Card is authorized to use the P-Card. The P-Card shall not be used for personal use. All Department members issued a P-Card shall read and follow the City policy regarding the P-Card. Members are responsible for the security and use of the card.

209.6.3 REPORTING USE OF CARD

The use of the Purchase Card is reported using either the Purchase Request form or the Business Expense Record. Receipts shall be attached to the appropriate form and the form shall be submitted as directed in Policy Sections 209.3 and 209.5.

209.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-16-03	Effective: 7-16-03
Updated: 3-16-09	Effective: 3-26-09
Review: As needed	
Accreditation Standards: None	

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CJIS - Local Agency Security Officer (LASO) -- Terminal Agency Coordinator (TAC)

210.1 PURPOSE AND SCOPE

This policy is intended to ensure the Newport Police Department, as an agency that has devices accessing CJIS systems, has a designated Local Agency Security Officer (LASO), and a designated Terminal Agency Coordinator (TAC).

210.2 POLICY

The primary information security contact between the Newport Police Department and the CJIS Systems Agency (CSA) is the LASO. The LASO is also the LEDS Representative for the Department. The TAC is the City of Newport Information Technology Department Head.

210.3 LASO

The LASO is the primary information security contact between the Department and the CSA that interfaces with the FBI CJIS Division. The LASO actively represents the Department in all matters pertaining to information security, disseminates information security alerts and other material to Department members, maintains information security documentation (including system configuration data), assists with information security audits of hardware and procedures, and keeps the CSA informed as to any information security needs and problems. Each LASO will:

210.3.1 UNAUTHORIZED ACCESS

Identify who is using the CSA-approved hardware, software, and firmware, and ensure no unauthorized individuals or processes have access to the same.

210.3.2 CONNECTION TO STATE SYSTEM

Identify and document how the equipment is connected to the state system.

210.3.3 SECURITY SCREENING

Ensure that personnel security screening procedures are being followed as stated in this policy.

210.3.4 SECURITY MEASURERS

Ensure the approved and appropriate security measures are in place and working as expected.

210.3.5 POLICY COMPLIANCE

Support the policy compliance, and ensure CSA ISO is promptly informed of security incidents.

210.4 TAC

The TAC serves as the point of contact for the Department in matters relating to CJIS information Access. The TAC administers CJIS systems programs within the Department, and oversees the Department's compliance with CJIS systems policies.

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210.5 APPROVAL / REVIEW / ACCREDITATION

Approved: D-16-002 - 3-21-2016 Effective: 3-31-2016

Review: Annually

Accreditation Standards: None

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CJIS - Incident Handling and Response Plan

211.1 PURPOSE AND SCOPE

This policy is designed to protect the organizational resources against intrusion, and ensure compliance with CJIS Security Policy. The incident response plan defines what constitutes a security incident, and outlines the incident response phases. This incident plan discusses how information is passed to the appropriate personnel, assessment of the incident, minimizing damages and response strategy, documentation, and preservation of evidence. This incident response plan will define areas of responsibility, and establish procedures for handling various security incidents.

211.2 POLICY

There has been an increase in the number of accidental or malicious computer attacks against both government and private agencies, regardless of whether the systems are high or low profile. This policy establishes an operational incident handling procedure for the Newport Police Department, CJIS, NCIC, and LEDS information systems that includes adequate preparation, detection, analysis, containment, recovery, and user response activities to track, document, and report incidents to appropriate Department personnel and authorities. The Chief of Police is the Department's point of contact for security-related issues, and will ensure the incident response reporting procedures are initiated at the local level.

211.3 DEFINITION OF INCIDENT

An incident is any one or more of the following:

(a) Loss of information confidentiality (data theft)

(b) Compromise of information integrity (damage to data or unauthorized modification)

(c) Theft of physical IT asset, including computers, storage devices, printers, etc.

(d) Damage to physical IT assets, including computers, storage devices, printers, etc.

(e) Denial of service

(f) Misuse of services, information, or assets

(g) Infection of systems by unauthorized or hostile software

(h) An attempt at unauthorized access

(i) Unauthorized changes to organizational hardware, software, or configuration

(j) Reports of unusual system behavior

(k) Responses to intrusion detection alarms.

211.4 REPORTING

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The Department will promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the Department will use email to expedite the reporting of security incidents. All Dispatchers will be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets that are required to report any information security events and weaknesses as quickly as possible to the security point-of-contact.

211.5 APPROVAL / REVIEW / ACCREDITATION

Adopted: D-16-002 - 3-24-2016 Effective: 3-31-2016

Review: Annually

Accreditation Standards: None

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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/office]'s electronic mail (email) system by employees of this [department/office]. Email is a communication tool available to [department/office] 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/office] networks are considered [department/office] records and therefore [department/office] property. The [Department/Office] reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any [department/office] system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The [Department/Office] reserves the right to access any personal folders to assure compliance with this policy.

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

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

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/office] are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Operations Lieutenant. Personal advertisements are not acceptable.

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

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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.

212.4.1 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-11-07	Effective: 7-11-2007
Updated: Lexipol 6/2010 — D-10-004	Effective: 7-15-2010
Updated: Lexipol 8/2015 -- D-15-011	Effective: 11-14-2015
Updated: Lexipol 10/2018 - D-18-005	Effective: 11-19-2018
Review: As needed	
Accreditation Standards: OAA 1.5.9	

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CJIS - Disposal of Media

213.1 PURPOSE AND SCOPE

This policy is intended to outline the proper disposal of media (physical or electronic) at the Newport Police Department. These rules are in place to protect sensitive and classified information, employees, and the Department. Inappropriate disposal of Department and FBI Criminal Justice Information (CJI), and media, may put employees, the Department, and the FBI at risk. This policy applies to all Department employees, contractors, temporary staff, and other workers in the Department that have access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and /or transmits FBI CJI and classified and sensitive data that is owned or leased by the Department.

213.2 POLICY

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similarly items used to process, store, and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by the Department.

213.2.1 PHYSICAL MEDIA

Physical media (print-outs, and other physical media) shall be disposed of by one of the following methods:

(a) Shredding, using Department-issued shredders

(b) Witnessed by Department personnel onsite at contractor (currently Covanta in Salem, Oregon) incineration site.

213.2.2 ELECTRONIC MEDIA

Electronic media (hard drives, tape cartridges, CDs, printer ribbons, flash drives, printer and copier hard drives, etc.) shall be disposed of by one of the Department methods:

(a) Overwriting at least three times.

(b) Degaussing to magnetically erase data from magnetic media via strong strong magnets, or electric degausses.

(c) Destruction by physically dismantling through crushing, disassembling, etc., ensuring the platters have been physically destroyed so that no data can be pulled.

213.2.3 IT SYSTEMS

IT systems that have been used to process, store, or transmit FBI CJI, and/or sensitive and classified information, shall not be released from the Department's control until the equipment has been sanitized, and all stored information cleared using one of the above methods.

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213.3 ENFORCEMENT

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

213.4 APPROVAL / REVIEW / ACCREDITATION

Approved: D-16-002 - 3-21-2016 Effective: 3-31-2016

Review: Annually

Accreditation Standards: OAA 1.5.8

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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 DEPARTMENT DIRECTIVES

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

214.3 CORRESPONDENCE

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

214.4 SURVEYS

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

214.5 INFORMATIONAL MEMOS

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

214.5.1 MEMORANDUMS

Any Department member may use the approved Memorandum form for more formal communication within the Department and City. The Chain of Command should be considered when addressing, or routing the memorandum. Any correspondence of a personnel issue, should only be handled by memorandum.

214.6 ADOPTION / REVIEW / ACCREDITATION

Adoption: 7-11-2007	Effective: 8-1-2007
Updated: Lexipol 8/2015 -- D-15-011	Effective: 10-31-2015
Review: As needed	
Accreditation Standards: None	

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CJIS - Integrity of Physical Access to NPD

215.1 PURPOSE AND SCOPE

The purpose of this policy is outline the procedures followed to remove or revoke physical access to CJIS Systems of persons not in compliance with CJIS Security Policy.

215.2 PROCEDURES

(a) Retrieve door access card (LASO).

(b) Remove cardholder account for door access (TAC).

(c) Retrieve photo identification card and deactivate with hole punch (LASO)

1. Deactivated i.d. cards are stored in respective personnel records in the City Human Resource Department until the retention schedule has been met.

(d) Notify all NPD staff by email that the individual has been denied physical access.

(e) Remove network and email account (TAC).

215.3 APPROVAL / REVIEW / ACCREDITATION

Adopted: D-16-002 - 3-25-2016 Effective: 3-31-2016

Review: Annually

Accreditation Standards: OAA 1.5.8

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Staffing Levels

216.1 PURPOSE AND SCOPE

This policy is established to provide and outline procedures for the scheduling of personnel assigned to the various divisions within the Department.

The Newport Police Department is responsible for providing first responder service for emergency situations to the citizens of Newport. In addition, the Department provides criminal investigation services and other public safety services. It is the policy of the Department to have a staffing level of sufficient strength to provide all of these services and to provide a level of safety for the patrol officers. The Department also recognizes the need for adequate time off for all personnel in addition to regularly scheduled days off. It is the intent of the Department to allow members to use their accrued vacation, compensatory time, Kelly Day or sick leave, as needed or requested, whenever possible.

216.2 NORMAL PATROL SHIFTS

216.2.1 HOURS

Day shift hours are 0700 to 1900 and Night Shift hours are 1900 to 0700. Depending on availability and need, hours may be adjusted to include lap shift, which would start in either day or night shift and end in the opposite shift.

216.2.2 SUNDAY - THURSDAY

A minimum of three (3) officers (including sergeants) will be on duty at all times.

216.2.3 FRIDAY - SATURDAY

In addition to the three officers on duty, between the hours of 1900-0300 one additional officer may be on duty depending on Department need.

216.2.4 EXCEPTION

On all days, between the hours of 0100-0900, with the approval of a supervisor, the shift may be reduced by one officer, but not go below two officers.

216.2.5 WORK DAY

Shifts often cover more than one calendar day. For the purpose of this policy and payroll, the day that the shift starts is considered the work day, even though the shift may go into the next calendar day.

216.3 DETECTIVE SHIFTS

Officers assigned to the Detective Unit will normally work a shift that covers the hours of 0700 to 1700, Monday through Friday. The hours may vary from time to time depending on assignments and call out activity.

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216.4 RECORDS SHIFTS

Personnel assigned to the Records Unit will work a shift that covers the hours of 0800 to 1700, Monday through Friday. Adjustments may be made depending on workload.

216.5 ADMINISTRATION

Personnel assigned to Administration will work the hours of 0800 to 1700, Monday through Friday.

216.6 SPECIAL EVENTS

When possible, Department members will be notified at least 14 days in advance of special events of needs requiring additional shift strengths, or deployments.

216.7 SCHEDULED TIME OFF

Scheduled time off includes training, vacations, compensatory time, sick time (when there is advance notice), and Kelly Days. Only one Department member, in their respective units, will be allowed to take time off for vacation, comp time, and Kelly time at any one time. In addition, there should be a minimum of one patrol sergeant on duty during each 24 hour period.

216.7.1 LONG TERM REQUESTS

Time off requests for blocks of one work week or longer must be submitted to the member's immediate supervisor no less than fourteen days prior to the first day of requested leave.

(a) The appropriate Time Off request form shall be used.

(b) The time off will be approved or disapproved within seven days of the request.

(c) Only the immediate supervisor may approve time off requests. If the supervisor is unavailable, the requests should be reviewed/approved by the Lieutenant or Chief of Police.

(d) Before approving time off requests, the supervisor shall check the schedule for conflicts.

(e) A copy of the time off request, approved or disapproved, will be returned to the submitting member.

(f) It is the responsibility of each Department member to notify the various agencies and courts of their upcoming time off. This is accomplished by submitting a court notification slip to their immediate supervisor.

Department members who are planning time off in the future that may require advance expenditures, should work with their supervisor to insure that the time off has been approved prior to making any expenditures.

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216.7.2 SHORT TERM REQUESTS

Time off requests for less than one work week will be on a first come, first served basis. Only one Department member, in their respective units, will be allowed to take time off at any one time unless extenuating circumstances, or Department needs, exist. These requests may be handled directly by the immediate supervisor. Once approved, the request will be returned to the submitting member via the Scheduling Sergeant.

216.7.3 CANCELING TIME OFF

If an employee wishes to cancel an approved time off request, they should notify their supervisor. The supervisor will then cancel the time off request and any overtime associated with it.

216.8 UNPLANNED SCHEDULING

Unscheduled absences for illness, injury, or bereavement may be covered by overtime necessary to meet shift strength requirements. Off-duty officers will may be called in to cover shift vacancies, or scheduled on-duty personnel will be adjusted to maintain minimum patrol coverage.

216.8.1 CALL BACK PROCEDURE

(a) The supervisor will prepare a "time off" slip for the officer and forward it to the Scheduling Sergeant.

(b) The supervisor will determine what officers are eligible to work. There should be no conflict with other scheduled duty days. This information will be noted in the "Shift Working" column.

(c) The supervisor will start contacting eligible officers by seniority, with the most senior officers being contacted first.

(d) The supervisor will indicate if contact was made with the officers and record their response in the "yes" and "other" column if contacted.

(e) If there is no contact with an officer, the supervisor will mark the "no" column and note if there was an answering machine or "no answer".

(f) If there is an answering machine, a brief message should be left explaining the call. There will be no 'wait' time for calls to be returned.

(g) Should the supervisor exhaust the list of eligible officers for a 'voluntary' call back, the supervisor will re-contact the least senior officer previously contacted and direct that individual to report for duty.

(h) Should there be no officer available, the supervisor may contact an eligible sergeant.

(i) Once the shift has been covered, the supervisor will forward the completed form to the Chief of Police via the Operations Lieutenant. The form will be maintained for a period of time as indicated in the Oregon Public Records Law.

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216.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-22-2002	
Updated: 10-22-2003	Effective: 11-11-2003
Updated: 11-2-12 - D-12-013	Effective: 12-3-2012
Updated: 4-6-2016 - D-16-___	Effective:
Review: Even Years	
Accreditation: None	

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CJIS Personnel Security

217.1 PURPOSE AND SCOPE

This policy is intended to outline the Newport Police Department's security measures against the insider threat. This policy's security terms and requirements apply to all personnel who have access to unencrypted CJI, including those individuals with only physical or logical access to devices that store, process, or transmit unencrypted CJI.

217.2 PERSONNEL SECURITY POLICY AND PROCEDURES

217.2.1 MINIMUM SCREENING REQUIREMENTS FOR INDIVIDUALS REQUIRING ACCESS TO CJI

(a) To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI, and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI. If the person resides in a different state than that of the assigned agency, the agency shall conduct Oregon and national fingerprint-0based record checks, and execute a NLETS CHRI IQ/FQ/AQ query using purpose code C, E, or J, depending on the circumstances. When appropriate, the screening shall be consistent with:

  (a) 5 CFR 731.106; and/or

  (b) Office of Personnel Management policy, regulations, and guidance; and/or

  (c) agency policy, regulations, and guidance.

(b) 2. All requests for access shall be made as specified by the CSO. The CSO or Designee is authorized to approve access to CJI. All CSO designees shall be from an authorized criminal justice agency.

(c) If a felony conviction of any kind exists, the Department's Operations Commandershall deny access to CJI. However, the Operations Commander may ask for review by the CSO in extenuating circumstances where the severity of the offense, and the time that has passed, would support a possible variance.

(d) 4. If a record of any other kind exists, access to CJI shall not be granted until the CSO or designee reviews the matter to determine if access is appropriate.

(e) 5. If the person appears to be a fugitive, or has an arrest history without conviction, the CSO or designee shall review the matter to determine if access to CJI is appropriate.

(f) 6. If the person is employed by a NCJA, the CSO or designee, or the Operations Commander, shall review the matter to determine if CJI access is appropriate. This same procedure applies if this person is found to be a fugitive, or has an history without conviction.arrest

(g) 7. If the person already has access to CJI, and is subsequently arrested and/or convicted, continued access to CJI shall be determined by the CSO. This does

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not implicitly grant hiring/firing authority with the CSA; only the authority to grant access to CJI.

(h) If the CSO or designee determines that access to CJI by the person would not be in the public interest, access shall be denied, and the HR notified in writing of the access denial.

(i) Support personnel, contractors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check, unless these individuals are escorted by authorized personnel at all times.

217.2.2 PERSONNEL SCREENING FOR CONTRACTORS AND VENDORS

In addition to meeting the requirements in 000.2.1, contractors and vendors shall meet the following requirements:

(a) Prior to granting access to CJI, the Department shall verify identification via a state of residency and national fingerprint-based record check. If the person resides in a different state, the Department shall conduct Oregon and national fingerprint-based record checks, and execute a NLETS CHRI IQ/FQ/AQ query using purpose code C, E, or J, depending on the circumstances.

(b) If a record of any kind is found, access shall be delayed pending review of the criminal history record information.

(c) When identification of the applicant with a criminal history has been established by fingerprint comparison, the Operations Lieutenant shall review the matter.

(d) A contractor employee found to have a criminal record consisting of felony convictions(s) shall be disqualified.

(e) Applicants shall also be disqualified on the basis of confirmation that arrest warrants are outstanding for such applicants.

(f) The Department shall maintain a list of personnel who have been authorized access to CJI, and shall, upon request, provide a current copy of the access list to the CSO. Applicants with a record of misdemeanor offense(s) may be granted access if the CSO determines the nature or severity of the misdemeanor offense(s) do not warrant disqualification.

217.2.3 PERSONNEL TERMINATION

The Department, upon termination of individual employment, shall immediately terminate access to CJI. Notice will be sent to IT to take this action. A copy will be fowarded to HR.

217.2.4 PERSONNEL TRANSFER

The Department shall review CJI access authorizations when personnel are reassigned or transferred to other position within the Department, and initiate appropriate actions, such as closing and establishing accounts, and changing system access authorizations, if needed.

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217.2.5 PERSONNEL SANCTIONS

The Department shall employ a formal sanctions process for personnel failing to comply with established information security policies and procedures.

217.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: D-16-002 - 3-30-2016	Effective: 3-31-2016
Review: Annual	
Accreditation Standards: OAA 1.5.8	

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Concealed Handgun License

218.1 PURPOSE AND SCOPE

The Sheriff of each county in Oregon is responsible for issuing concealed handgun licenses to qualified applicants.

218.2 DENIAL OF CONCEALED HANDGUN APPLICATIONS

A Sheriff may deny a concealed handgun license if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence (ORS 166.293).

218.3 LICENSE SEIZURE

An officer may seize a Concealed Handgun License in any of the items in section 218.2 apply. The CHL should be returned to the issuing sheriff's office with a copy of the police report explaining the reason for the seizure. A property receipt shall be provided to the CHL holder.

218.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-3-2016 Effective: 8-18-2016

Review: When needed

Accreditation Standards: None

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapon (CCW) endorsement for retired officers of this department.

Oregon law authorizes honorably retired peace officers from Oregon or other states to carry a concealed weapon in Oregon. This provision does not authorize Oregon retired peace officers to carry concealed weapons in other states (ORS 166.260).

A "CCW Approved" endorsement is not required for an honorably retired officer to carry a concealed weapon in Oregon. The endorsement is, however, required for retired officers who wish to carry concealed weapons in other states in accordance with the provisions of 18 USC § 926C and the Firearms and Qualification Policy.

220.2 QUALIFIED RETIREES

Any full time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement.

(a) For the purpose of this policy, "Honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement; however, shall not include any officer who retires in lieu of termination.

220.2.1 MAINTAINING A CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card, the retired officer shall:

(a) Qualify annually with the authorized firearm at a course approved by this Department, at the retired officer's expense.

(b) Upon verification by this Department that all annual requirements have been met by an otherwise qualified retired officer, the "CCW Approved" endorsement shall be re-stamped and dated

(c) Remain subject to all Department rules and policies as well as all federal, state and local laws.

(d) Only be authorized to carry a concealed firearm inspected and approved by the Department

220.2.2 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorabley retired officer shall be 2 x 3 inches and minimally contain the following:

(a) Photograph of the retiree

(b) Retiree's name, address and date of birth

(c) Date of retirement

(d) The Department name

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(e) A stamped endoresement "CCW Approved" along with the date by which the endoresement must be renewed (not more than one year) or, in the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

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 Newport 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 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.

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(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 Shift Supervisor 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 QUALIFICATION PROCESS

The retired Newport Police Officer should contact the Firearms Supervisor to set an appointment for weapons qualification. The time for qualification should be set so the firearms instructor is on-duty, as overtime is not approved exclusively for qualification of retired personnel. The retired member will need to supply his or her own ammunition. The firearms instructor will take the retired member to the Newport Police Firearms Range and present the qualification course to him/her. The qualification course used shall be the one that all Department members use annually. The qualification course should not take more than one hour. The course will be for handgun qualification only.

Should remedial training be necessary, the retired member will be responsible for reimbursing the City of Newport for the hourly wage of the firearms instructor that exceeds one hour. Should this be a regularly scheduled firearms event where other active duty police officers are present for training, the reimbursement will be waived.

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The Firearms Supervisor will maintain the scores and any other notes on the retired member with the regular Police Department firearms records. The retired member will be given a letter attesting that he/she has qualified.

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

220.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-27-06	Effective: 10-27-06
Reviewed: 7-11-07	
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-13
Updated: Lexipol — D-15-001	Effective: 4-2-15
Review: As needed	
Accreditation Standards: None	

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Suggestion Policy

221.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for Department personnel to be able to make suggestions and proposals for improvement of the Newport Police Department, its procedures, operations and personnel management.

It is the policy of the Newport Police Department to: Encourage all employees, sworn and non-sworn, to submit suggestions and proposals for the betterment of all aspects of the Department. Provide an effective route of communications at all levels of the Department which is open and non-restrictive.

221.2 SUBMISSIONS

(a) Memo Form - Department members may use the Department memorandum form found on the computer's Q drive to submit a suggestion.

(b) Suggestion Box - Suggestions will be typed or printed on the supplied suggestion form. Blank forms will be in the suggestion box that is located on the wall in the police lunch room. Any facts or documentation supporting the suggestions can be included with the submitted form. If the employee chooses not to use the form, any paper will do.

(c) Suggestions may be submitted unsigned.

(d) Fiscal Impact - If there is a fiscal impact to the Department it should be noted on the form either by the employee or a supervisor. It is requested that cost estimates be added to the suggestion form either in the form of extra cost or cost savings to the Department.

221.3 PROCESS

(a) Completed forms will be reviewed by the Chief of Police or his designee.

(b) Upon receipt of a suggestion, the Chief of Police will:

  (a) Assign a staff member to review, research, and evaluate the suggestion.

  (b) Advise the employee who has been assigned from the staff so he/she may offer additional input as necessary.

  (c) Review the suggestion in a staff meeting and advise the employee of a final decision.

(c) Any suggestion which results in a cost savings to the Department will be submitted to the Awards Committee for its consideration for the next applicable award.

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221.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-29-06	Effective: 1-16-07
Reviewed: 7-11-07	
Review: As needed	
Accreditation Standards: None	

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Format for Directives

223.1 PURPOSE AND SCOPE

This manual provides a standardized format to allow ease of recognition, reading, filing, retrieving, correcting, and updating Department policies, procedures, and other directives.

223.2 SPECIFIC INFORMATIONAL ELEMENTS

Each directive shall contain a heading with specific informational elements completed in the Department format.

223.2.1 TITLE

A title establishes a short, succinct, descriptive designation that can be used to identify the nature of the information contained therein.

223.2.2 PURPOSE PARAGRAPH

The purpose paragraph in a directive is included when appropriate to provide the reader with an explanation as to why an order is issued. For example:

"PURPOSE. This order is issued to establish policies, procedures, and standards relating to the management of all manuals and orders published by the Department."

223.2.3 POLICY PARAGRAPH

A policy paragraph is included, when appropriate, to explain the applicable principles and values that support adoption of a particular policy, procedure, or regulation. Policy is not a statement of what must be done in a particular situation. Rather, it is a statement of guiding principles that should be followed to achieve Department objectives.

223.2.4 BODY OF A DIRECTIVE

Directives contain detailed information describing what must be done. It may involve an order, procedure, tactic, rule, or regulation.

223.2.5 SIGNATURE OF PERSON ISSUING A DIRECTIVE

The original copy of a directive shall be signed by the person who authored the directive. Directives shall have the approval of the Chief of Police.

223.2.6 RECEIPT BY DEPARTMENT MEMBERS

Accompanying every new Department Directive will be a signature page listing the name of every member of the Department. Each member shall review the Directive and any attachments, then date and sign their name on the signature page next to their printed name, indicating they have read and understand the Directive.

223.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-1-03	Effective: 5-1-03

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Format for Directives

Review: As needed	
Accreditation Standards: None	

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Department Owned Equipment

225.1 PURPOSE AND SCOPE

Members and employees of the Newport Police Department may be assigned Departmentally owned vehicles, lockers, desks, cabinets, computers and cases for the mutual convenience of the Department and it's personnel.

It is the policy of this Department that the retention of personal items in such containers or facilities is at the risk of the employee and the Department will not be held responsible for any losses.

Such equipment is subject to entry and inspection without notice. All lockers will be equipped with Department owned locks. No personal locks are to be placed on any locker or other Departmentally owned equipment without the approval of the Chief of Police.

All employees with lockable desks, cabinets, etc., will supply the Department's Executive Assistant with a duplicate key or keys.

225.2 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-4-00	Effective: 5-20-00
Review: As needed	
Accreditation Standards: None	

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Chapter 3 - General Operations

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Force Response

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable force response. 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.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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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 force response 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 FORCE RESPONSE IN EFFECTING 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.

(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.

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(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.

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

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(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

(c) The application of a carotid control hold on the following 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 applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers 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 Newport Police Department for this specific purpose.

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300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.5 REPORTING FORCE RESPONSE

Any force response 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 force response was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Departmentalso 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:

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(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

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

(h) An individual was struck or kicked.

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

300.5.2 NOTIFICATION OF INSURANCE CARRIER

Whenever a force response situation results in an injury that requires medical treatment beyond first aid, the supervisor shall immediately notify the chain of command of the incident. The Chief of Police shall notify the Department's insurance carrier (CIS) no later than the next business day.

300.5.3 ANNUAL REVIEW

Each January the Operations Lieutenant will ensure that an annual review of all Use of Force Reports for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of force that might suggest training or equipment needs, or policy modification. Specific detail including such items as officer names, case numbers, and location of occurrence are not needed for this purpose; they will not be part of this process.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, that 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 force response be informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

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

1. The content of the interview should not be summarized or included in any related criminal charges.
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.

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(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 SHIFT SUPERVISOR RESPONSIBILITY
The Shift Supervisor shall review each force response by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

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

300.9 FORCE RESPONSE ANALYSIS

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

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

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

300.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-5-2007	Effective: 10-1-2007
Updated: Lexipol 1/2008 -- D-08-007	Effective: 4-13-2008
Updated: Lexipol 12/2008 -- D-09-001	Effective: 3-2-2009
Updated: Lexipol 6/2009 -- D-09-008	Effective: 6-24-2009
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 5/2012 -- D-12-003	Effective: 6-26-2012
Updated: 8-8-12 -- D-12-006	Effective: 8-8-2012
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Reviewed: 2-5-2014 — 603	
Reviewed: 9-2-2015 -- 604	
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Reviewed: 606 - 8-11-2017	

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Review: Annual	
Accreditation: OAA 1.3.1, 1.3.2, 1.3.3, 1.3.7, 1.8.1	

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Threshold Incidents

301.1 PURPOSE AND SCOPE

We live in a litigious society where litigation is out of control. People today are less willing to accept responsibility for their actions. Distrust in governmental services, including public safety, has developed. There has been a gradual erosion of government-supplied immunities. A well-informed, well-educated public is our absolute best ally; however, we have neither a well-educated nor a well-informed public.

Elimination of civil liability is a two-pronged process. First, an officer must do the job right. Second, the officer must be able to prove it. The first leg of "proof" is proper pre "'incident record keeping by all the officers and the Department with respect to the Five Pillars of Success (People "' Policy "' Training "' Supervision - Discipline). The second leg of "proof" is incident documentation. Excellent incident documentation is not necessary for each and every encounter. IT IS NECESSARY WHEN REQUIRED BY LAW OR POLICY, OR WHEN AN OFFICER IS INVOLVED IN A THRESHOLD INCIDENT.

301.2 POLICY

It is the policy of the Newport Police Department to completely document those incidents involving crimes and those incidents where civil liability is a possibility, i.e. threshold incidents.

301.3 DEFINITIONS

Threshold incidents are not limited to the following:

(a) Any injury to person, regardless of how slight; deprivation of liberty, regardless of how short; damage to property, regardless of how trivial; or damage to interest in property caused by us, (including when an individual informs us of such damage).

(b) Any death or major injury, requiring hospitalization where an officer is at the scene or governmental property is involved.

(c) An individual states "I'll sue!" or any derivation thereof; an individual informs us of an injury they sustained, and a supervisor feels the situation warrants documentation. A supervisor may use discretion in determining of an event to be a 'threshold event'. However, the supervisor must be mindful of the possibility of a loss of crucial documentation if action is not immediately taken.

301.4 DOCUMENTATION

Reports documenting threshold incidents should not be written for prosecution only. The elements the prosecutor needs for criminal prosecution may be different from the elements the City's Defense Counsel needs to prove an officer did the job right.

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301.4.1 INCIDENT

(a) Reports (CCP - Complete, Consistent, Policy). A complete report is a report that enables a reader, five (5) years from the date of the incident, to answer very specific questions with very specific answers. There is only one opportunity to prepare this type of document; it must be done correctly.

(b) Witnesses - particularly civilians.

(c) Evidence - What is needed to prove what really happened. Juries view the loss, destruction or failure to gather exculpatory evidence with extreme suspicion. Never gather evidence for the prosecutor only. Gather all the evidence that will show what really happened.

(d) Photographs - A picture is worth a thousand words. Photograph all 'threshold events.'

(e) Electronic documentation - E-mail, phone tapes, radio tapes, MDT transmissions, computer logs, audiotapes, etc.

301.4.2 NOTIFICATION

The Chief of Police should be immediately notified when there is a major threshold incident. For minor incidents, the Incident Notification Form (RWM 2.01) shall be used.

301.5 DISCRETIONARY TIME

Every moment that passes after a threshold incident makes it more difficult to prove what happened. Cases are lost because of failure to document the incidents that ultimately end up causing legal problems. Many losses occur not because of bad conduct, but because of poor or nonexistent incident documentation. Incomplete or sloppy documentation allows the other side to make up any story they want. There is no excuse for poor incident documentation because, in reality, all that is required is proper use of discretionary time.

301.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 1-4-06	Effective: 6-1-06
Review: As needed	
Accreditation Standards: OAA 1.3.6	

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Newport 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 Newport Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each division
- Operations Lieutenant

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

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

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

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be

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forwarded to the involved employee's Operations Lieutenant 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 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-5-07	Effective: 10-1-07
Updated: Lexipol 1/08	Effective: 4-13-08
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-11
Updated: Lexipol 5/2012 -- D-12-003	Effective: 6-26-12
Reviewed: 6-17-13	
Reviewed: 604- 8-11-2017	
Review: Odd Years	
Accreditation: OAA 1.3.7	

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Arrests

305.1 PURPOSE AND SCOPE

Apprehension and arrest of those who violate the law is one of the primary functions of law enforcement. The manner in which Department members carry out their responsibilities in this area is extremely important. Officer performance affects the safety of citizens and their property. It also affects the safety of other officers. Finally, it affects the reputation and civil liability of the Department and its members. This procedure provides guidelines on how to handle arrests, bookings, and citations.

305.2 POLICY

The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of those who violate the law. It has as its objective voluntary compliance with the law as an alternative to punishment. Once a crime has been committed, it is the duty of the Department to initiate the criminal justice process by identifying and arresting the perpetrator, obtaining necessary evidence, and cooperating in the prosecution of the case. As the certainty of swift and sure punishment serves as an effective deterrent to crime, the Department must diligently strive to solve crime and bring perpetrators to justice. Officers are expected to take appropriate action within the procedures of the Department in response to violations of the laws and ordinances when violations come to their attention.

305.3 DEFINITIONS

: There exists a substantial objective basis for believing that, more likely than not, an offense has been committed, and the person to be arrested has committed it.

: The taking of a person into custody, either physically or constructively, so that the person can be charged with an offense.

305.4 RESPECT FOR CONSTITUTIONAL RIGHTS

Individuals may not be deprived of their constitutional rights merely because they are suspected of committing a crime. An officer who lawfully acts within the scope of authority does not deprive persons of their civil liberties. Officers may, within the scope of their authority, make reasonable inquiries, conduct investigations, and arrest on probable cause.

305.5 CRITERIA

Officers are empowered with a great deal of discretion in dealing with matters of booking and incarceration of offenders. However, certain criteria must be adhered to in determining the disposition of enforcement action.

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305.5.1 FELONY OFFENDERS
Persons accused of felony crimes will be booked, photographed, fingerprinted, and incarcerated. Arrestees of specific Class C Felonies, designated by the District Attorney's Office, may be cited to appear, and released after booking, photographing, and fingerprinting.

305.5.2 MISDEMEANOR OFFENDERS
Persons accused of misdemeanor offenses may be incarcerated, or may be cited to appear and released after booking, photographing, and fingerprinting have been obtained, depending on the severity of the offense, and with due consideration for any hazard they may pose. In all cases where an arrest has been made, or a citation to appear has been issued, the officer will obtain a case number and complete a report.

305.5.3 JUVENILE OFFENDERS
Juveniles accused of misdemeanor or felony offenses may be incarcerated, or may be cited to appear and released after booking, photographing, and fingerprinting have been obtained, depending on the severity of the offense and with due consideration for any hazard they may pose. In all cases where an arrest has been made or a citation to appear has been issued, the officer will obtain a case number and complete an arrest report. Juvenile offenders will be incarcerated only at the direction of the Juvenile Department.

305.6 DISCRETION AND ALTERNATIVES TO ARREST
Discretion is the freedom to act. Every member uses discretion to resolve situations the member confronts. members may use discretion to select an appropriate response when dealing with traffic offenses, violations, requests for public records, and certain criminal offenses of a minor nature. The more significant or serious an incident, the less discretion is authorized. Members' discretion is limited by training, education, experience, laws, ordinances, Department directives, and supervisors' instructions.

Once a violator has been identified, it is the function of the Department to initiate the criminal process; however, there are circumstances when a crime may occur and the Department will not make a physical arrest. There may be a report written and an application for a complaint made; or, in some cases when the offense is of a minor nature, a verbal warning or other direction may be given. The decision to not make an arrest will be guided by Department policy and the factual situation involved, not by the personal feelings of the officer.

305.6.1 DISCRETION CONCERNING ISSUANCE OF MISDEMEANOR CITATIONS
ORS 133.045 allows the use of a citation in lieu of custody for all violations, most misdemeanors, and some felony charges, which may be deemed a misdemeanor after sentence is imposed. A citation in lieu of custody is authorized if the officer determines:

(a) The arrest is made without an arrest warrant (unless the warrant specifically authorizes a citation in lieu of custody), and is not an arrest under the Family Abuse Prevention Act;

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(b) The crime is a non-violent misdemeanor or a non-violent felony (i.e., crime against property) committed within the City or while the officer was assisting another agency; or

(c) The suspect does not appear to pose an immediate threat to the victim, community, or self, and does not appear to pose a high risk of fleeing the area.

305.6.2 DUII ARREST

In general, persons arrested for DUII will be taken into custody and delivered to the Lincoln County Jail, unless this is not possible due to medical reasons. Persons arrested for DUII will be issued a Traffic Citation for DUII, and cited to appear into Lincoln County Circuit Court.

305.6.3 RESTRICTIONS ON DISCRETION

A police officer shall not use a misdemeanor citation in lieu of custody for valid arrest warrants, or during domestic disturbance incidents that meet the requirements of ORS 133.055, except when specifically authorized by that statute.

When appropriate, members are authorized to use written warnings to resolve minor traffic violations, and verbal warnings for criminal violations.

305.7 AUTHORITY TO ARREST

ORS 133.235 empowers all Oregon peace officers to make arrests for offenses, pursuant to ORS 133.310, anywhere within the boundaries of the State of Oregon. Department policy recognizes this authority, and recommends discretion on the part of each officer.

305.7.1 ON-DUTY ARREST

On-duty arrests may be made outside the boundaries of the City in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency.

305.7.2 OFF-DUTY ARREST

Officers observing criminal activity should effect an arrest only when an imminent risk to life or property exists, and a reasonable opportunity does not exist to contact the police agency that has primary jurisdiction. In such situations, the involved officer shall clearly identify himself as a police officer.

305.8 TREATMENT OF INDIVIDUALS UNDER ARREST

In making an arrest, officers must treat individuals with respect. Officers will not physically mistreat or verbally harass any individual. if a person taken into custody is ill or injured, medical treatment will be provided.

305.9 ADVISE OF RIGHTS

Once in a police custodial situation, and prior to any questioning, an arrested individual shall be advised of his/her constitutional rights.

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Officers are responsible for advising suspects of their constitutional rights in the proper manner outlined in 305.9.3. Officers must observe legal requirements and Department procedures at all stages of an investigation and arrest. A suspect shall be advised of rights prior to custodial interrogation, or the taking of any oral or written statements likely to be incriminating. After custody or arrest, the officer shall document all admonishments of rights prior to the taking of statements.

305.9.1 ACCESS TO COUNSEL
In accordance with this policy, persons arrested shall be granted access to counsel, if requested, prior to any further custodial interrogation. Access may be by telephone or in person, depending on the existing conditions.

305.9.2 VOLUNTEERED AND SPONTANEOUS STATEMENTS
Volunteered and spontaneous statements are not barred, and no warning need be given preceding them. However, questioning initiated by the police officer thereafter, in clarification or amplification of the volunteered or spontaneous statements, should be preceded by a Miranda warning.

305.9.3 DOCUMENTATION OF RIGHTS
The fact that a prisoner who gives a statement was so advised or admonished should be included at the beginning of any written statement, or included in the police report if the statement was obtained verbally.

The following is a recommendation for advising Miranda:

(a) Advice of Constitutional Rights should be read directly from the Rights card.

(b) The officer should sign the card in the designated location, indicating who gave the rights advisement to the suspect, the date and time of the advisement, and the suspect's voluntary signature that indicates they understand and have no questions about their rights.

(c) The card will be competed even if the suspect refuses to sign. The advising officer will write "REFUSED" in the suspect's signature space.

(d) A separate card will be used for each suspect.

It may be necessary that the officer testify in court as to the precise language used to warn the suspect of their rights, and the precise language by which the suspect waived these rights.

305.10 SEARCH INCIDENT TO ARREST
All persons in custody shall be searched incident to their arrest.

305.10.1 SEARCHES
Officers will conduct all searches in a legal manner consistent with Department guidelines.

305.10.2 SEARCHES OF PERSONS IN CUSTODY
Every prisoner shall be searched once they are placed in restraints, and prior to being placed in the vehicle for transport.

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Searches shall include, but are not limited to, a pat-down of all outside body surfaces, a search of all clothing pockets, shoe tops, and any other location where a weapon can be secured and readily accessible. If available, an officer of the same gender as the prisoner should conduct the search. Members shall touch and search prisoners or suspects of the opposite sex only as is necessary to take them into physical custody, and/or to determine that weapons or evidence are not being concealed. in such cases, if possible, another officer or witness should be present.

Custody searches should also include a cursory review of valuable items such as the contents of wallets, purses and similar items. Subjects arrested that have a wallet, purse or similar item shall have their property transported to the jail with them and released to the Corrections staff.

A prisoner shall be searched each time an officer turns custody over to another officer.

The officer shall seize all weapons and articles that could be used as a weapon or an escape instrument. No knives or any kind of sharp instruments or items, ie: screws, nails or scissors, etc. can be lodged with the prisoner's property at the jail. Any article that could be used as a weapon but that is not evidence, shall be placed in the Department Evidence section for safekeeping.

All evidence or contraband shall be seized and treated according to Department evidence procedures.

305.11 TRANSPORTATION

Persons in custody shall be attended to at all times, and will be transported to the appropriate detention facility without delay.

305.11.1 TRANSPORTATION OF PRISONERS

Without unnecessary delay, an officer making an arrest will transport the arrested individual, or cause them to be transported, to the correctional or holding facility to be booked. All persons detained in a correctional facility or juvenile detention center will be accompanied by a booking sheet and probable cause statement, if applicable. The paperwork will be turned over to, and signed by, the booking officer.

The vehicle shall also be inspected before and after transporting a prisoner to ensure that the prisoner has not hidden evidence or weapons in the seat cushions or under the seat.

305.12 ARREST WARRANTS

305.12.1 WITHIN THE STATE OF OREGON

An officer may arrest a person for a felony or misdemeanor on an arrest warrant issued by any judge or magistrate within the State of Oregon, as long as the warrant is serviceable within Lincoln County.

An officer may make an arrest when the officer has been notified by electronic means of communication that an arrest warrants exists, but is held by an officer from another agency.

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305.12.2 OUTSIDE THE STATE OF OREGON
An officer may arrest a person on a felony warrant issued outside the State of Oregon, pending confirmation that the warrant is serviceable within Oregon.

Warrant arrests can only be made following confirmation of the validity of the warrant, as well as a determination that the arrestee is, in fact and beyond any reasonable doubt, the person named in the warrant.

305.12.3 ARREST FOR VIOLATION OF A RESTRAINING ORDER
An officer may make an arrest for violation of a restraining order or stalking order issued by a judge or magistrate in Oregon, per the terms of such orders as outlined by the court.

305.12.4 VIOLATION OF A CIVIL ORDER
A police officer may not make an arrest for violation of a civil court order issued in or outside Oregon.

305.13 JUVENILES
Response to crimes involving juveniles will not differ from the response to crimes involving adults.

305.14 ESTABLISHING IDENTITY
Officers may exercise discretion when a violator cannot, or will not, provide satisfactory identification. If a citation-in-lieu-of-custody is issued, the officer should, to the extent possible, obtain information for the execution of an arrest warrant in the event the violator fails to appear for arraignment.

305.15 SICK OR INJURED PERSONS
When officers are confronted with a situation involving a sick or injured suspect or prisoner, officers will render any first aid necessary, and obtain medical help if needed. Decisions to be made by the officer in the field regarding emergency hospitalization of injured persons shall be based on the seriousness of the injury, and the pending charge against the arrested person. Whenever hospitalization of an injured person who is under arrest is necessary, the arresting officer must report the situation to a supervisor as soon as possible.

305.15.1 SICK OR INJURED PRISONERS
Prisoners who are unconscious, or who have a serious illness or injury, shall be transported to the hospital by ambulance.

Officers shall accompany the ambulance to the hospital, and remain on prisoner guard duty until properly relieved. At the request of ambulance personnel, or if the prisoner constitutes a risk of violence or escape, officers may accompany the prisoner in the ambulance.

If a prisoner is critically injured, and the need for a dying declaration is present, the officer shall accompany the prisoner in the ambulance.

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Prisoners with minor illness or injury requiring hospital treatment, may, with supervisory approval, be transported to the hospital in a patrol vehicle.

Prisoners whose illness or injury can be treated with first aid before being transported directly to the Lincoln County Jail facility, should be treated before being transported.

305.16 CITIZEN ARREST

Citizens should not be encouraged to take a suspect into custody. In the event of a citizen arrest, the citizen's responsibility is to surrender the arrestee, without delay, to a peace officer. The officer must independently review the circumstances surrounding the arrest.

Custody of the arrestee should be maintained only after the officer has determined that the arrest is valid. The citizen making the arrest shall inform the arrestee that he/she is under arrest, and state the charge. If the arrest is valid, and the arrestee is taken into custody, the matter will be processed by the officer as a regular arrest report. The arrest report shall state that the arrest was initiated by a citizen, and set for the relevant facts and circumstances.

If the arrest is not accepted because of a question of probable cause, the officer shall document the incident in the report. A copy of the report shall be forwarded to the District Attorney's Office for review.

305.17 JAIL DETENTION

Adult arrestees meeting incarceration criteria will be lodged in the Lincoln County Jail for arraignment in the proper court on the next available court date. If the arrestee does not meet the jail's criteria for lodging, but there is an articulated reason the person should be photographed and fingerprinted, the arrestee will be transported to the Lincoln County Jail for this process. Thereafter the person will be given a citation to appear, and then be released.

305.17.1 NOTIFICATION PROCEDURES FOR SECURITY RISK

In the event that the arrestee is combative, has a history of being combative, or is a suicide risk, the jail will be notified prior to arrival to the jail. Corrections Officers should be requested to be present upon arrival to the jail, so they may assist in taking the arrestee to the booking area.

305.18 ESCAPE OF ARRESTEE

In the event that an arrestee escapes from an officer's custody, the officer shall immediately notify dispatch of the situation and request additional officers to respond to the area. A supervisor should respond to coordinate a search for the suspect. Depending on the seriousness of the crime involved, additional law enforcement resources may be called upon to assist. The Patrol Lieutenant and/or the Chief of Police should be contacted so they can handle media notification, if needed.

305.19 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-4-2000	Effective: 5-4-2000
Updated: 1-5-2000	Effective: 6-6-2005

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Arrests

Updated: 11-23-2011 - D-11-012	Effective: 12-8-2011
Updated: 10-17-2012 - D-12-010	Effective: 11-1-2012
Reviewed: 8-4-2013	
Reviewed: 605 - 8-11-2017	
Review: Odd years	
Accreditation Standards: 1.2.3, 1.2.4, 1.2.5, 1.3.5, 2.1.7	

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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 Newport Police Department authorizes the use of restraint devices in accordance with this policy, the Force Response 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 Newport 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.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the [Department/Office]. 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/office]-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/Office] 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).

306.8 REQUIRED DOCUMENTATION

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

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

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

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

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

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

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

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

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

306.9 TRAINING

Subject to available resources, the Operations Lieutenant 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/Office].

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

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(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.

306.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 6-3-2009	Effective: 6-10-2009
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2012
Updated: Lexipol 5/2012 -- D-12-003	Effective: 6-26-2012
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 10/2019	Effective: 2-14-2020
Review: As needed	
Accreditation Standards: OAA 4.3.4	

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Interviews, Interrogations and Confessions

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with legally sound procedures for conducting custodial interrogations.

307.2 POLICY

Custodial interrogations of suspects, and the statements and confessions that are elicited, are vitally important in the preparation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily, and with due consideration for the suspect's right to silence and right to counsel. Therefore, it is the policy of this law enforcement agency that all officers observe due process, the rights of suspects, and guard against any charges of police coercion or intimidation during interrogation.

307.3 DEFINITIONS

: A custodial situation exists when an officer tells a suspect that he is under arrest. A functionally equivalent situation exists when a "reasonable person" in the suspect's position would feel that his freedom of action has been restricted to the same degree as a formal arrest.

: Interrogation includes direct questioning of a suspect about a crime or suspected crime, as well as any words, statements, or actions by officers that the officers should know are reasonably likely to elicit an incriminating response from the suspect.

307.4 INTERVIEWS AND INTERROGATIONS, GENERALLY

There are two different methods of obtaining verbal and non-verbal information from victims, witnesses, and suspects: interviews and interrogations.

307.4.1 INTERVIEWS

Interviews are usually the main source of information in an investigation. Interviews are usually conducted with victims and witnesses, and are sometimes conducted with suspects, depending upon their level of cooperation. The purpose of an interview is to determine the facts and to identify people who are being deceptive.

Officers are able to use interviews to enhance their investigation by observing and interpreting verbal and non-verbal responses to specific questions.

Interviews are conducted in a non-threatening manner. All victims and witnesses should be contacted and interviewed to ensure the officer is receiving all facets of the incident. It may be necessary for the people involved to be interviewed more than once. The officer will always be courteous and act within the Department's standards. Interviews may be conducted either at the time of the initial contact on the scene, or may be scheduled at a later time, convenient to both parties, if possible.

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During the initial investigation, the officer should explain to the victim the procedures involved in the prosecution of their case, and the victim's possible role in those proceedings.

307.4.2 INTERROGATIONS
Interrogations can be a useful tool in the investigation process. Suspects are interrogated when the investigating officers has obtained information that causes the officer to believe the person is the suspect or one of the suspects. The purpose of an interrogation is to obtain a confession or, if that is not possible, to obtain a statement that can be proven false.

Suspects can be interrogated in both the field and the Police Department. However, the preferable location is in an interview room at the Department. The officer should have as much control over the location and suspects as possible. There should be minimal distractions. When possible, all interrogations at the Department shall be held in the interview rooms set aside for that purpose. Any recordings of interviews and interrogations will comply with state and federal laws.

During the interview, the officer may choose to employ the tactic of using evidence gathered at the scene to elicit further information from the suspect. Coercion, threats, and violence will not be used any interview or interrogation. Constitutionally guaranteed rights against self-incrimination will be adhered to according to state and federal guidelines.

During the investigation process, the officer should compare the suspect's M.O. to check if the suspect may have committed other crimes.

307.5 PROCEDURES

307.5.1 CUSTODIAL STATEMENTS AND CONFESSIONS
Constitutional Rights warnings are required, and shall be administered prior to "custodial interrogation", as defined above.

The following represent examples of situations that are "custodial", and do not require issuance of Constitutional Rights warnings:

(a) Investigatory stop and frisk.

(b) Questioning during a routine traffic stop or for a minor violation, to include driving while under the influence of intoxicants (DUII) stops until a custodial interrogation begins.

(c) During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.

(d) During voluntary appearances at the police facility.

(e) When information or statements are made spontaneously, voluntarily, and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require Constitutional Rights warnings.)

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307.5.2 ADMINISTERING CONSTITUTIONAL RIGHTS WARNINGS

Constitutional Rights warnings shall be read from the card containing this information by officers to all persons subjected to custodial interrogation. Freelancing, recitation from memory, or paraphrasing the warnings is prohibited, as it precludes officers from testifying in court as to the precise wording used.

Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises, or coercion to induce suspect statements are prohibited.

- Waivers of the Constitutional Rights warning rights must be performed affirmatively.
- Oral waivers are often sufficient, but written waivers, particularly in felony charges, are preferred and should be obtained, whenever possible, on the appropriate agency form.

Officers arresting deaf suspects shall notify their immediate supervisor, and make arrangements to procure the assistance of an interpreter in accordance with the agency's policy, and state and federal law.

307.5.3 INVOKING THE RIGHT TO SILENCE

When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.

Suspects who are not represented by an attorney may not be interrogated after invoking their right to silence, unless the suspect:

(a) Indicates a desire to talk to officers, and

(b) The desire is in no way coerced, and

(c) The officers then re-administer the Constitutional Rights warnings, and

(d) The suspect affirmatively waives his rights.

307.5.4 INVOKING THE RIGHT TO COUNSEL

When a suspect makes reference to counsel, but his intentions are unclear, officers may question the suspect further to clarify his intentions.

When a suspect invokes his right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which is charged, about other crimes, or by other officers (from this or other agencies) unless:

(a) The suspect's attorney is present at the questioning, or

(b) The suspect initiates new contact with the police. In this latter case, the Constitutional Rights warning must again be administered, and a waiver obtained, before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.

Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

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307.5.5 DOCUMENTING STATEMENTS AND CONFESSIONS

The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes, but is not necessarily limited to:

- Location, date, time of day, and duration of interrogation;
- The identities of officers or others present;
- Constitutional Rights warnings given, suspect responses, and waivers provided, if any, and
- The nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories, or for other purposes.

Investigative officers are encouraged to use this agency's video and audio taping capabilities for purposes of recording statements and confessions, in an overt or covert manner, consistent with state law.

The lead investigative officer may decide in which cases audio or video tape recordings may be appropriate, and whether covert or overt procedures may be used. Tape recordings designated as evidence shall be handled in the following manner.

(a) Original tape recordings shall be duplicated, and each copy stored separately.

(b) The tab on the tape housing of both the original and duplicate copies shall be removed to preclude the possibility of erasure or tampering.

(c) Tape recordings shall be stored in a secure location under controlled access, as designated by the officer-in-charge of criminal investigations.

(d) All tape recordings shall be inventoried on a routine basis.

307.6 ADOPTED / REVIEW / ACCREDITATION

Adopted: 12-31-2001	Effective: 12-31-2001
Review: As needed	
Accreditation Standards: None	

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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.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Newport Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual [Department/Office] members to use specific control devices.

308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

Only officers who have successfully completed [department/office]-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.

308.4 RESPONSIBILITIES

308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor 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.

308.4.3 USER RESPONSIBILITIES

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

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

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.

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

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 Shift Supervisor, 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

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

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

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

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

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

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

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

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

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.

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

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

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

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

308.9.3 SAFETY PROCEDURES

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

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

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

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

308.10 TRAINING FOR CONTROL DEVICES

The Operations Lieutenant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

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

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot

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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 Force Response 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.

308.13 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-5-2007	Effective: 11-1-2007
Updated: Lexipol 6/2009 -- D-09-008	Effective: 6-24-2009
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: 9-14-2011 -- D-11-010	Effective: 9-14-2011
Updated: Lexipol 5/2012 -- D-12-003	Effective: 6-26-2012
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: 10-11-2013 -- D-13-018	Effective: 10-26-2013
Reviewed:10-4-2013	
Reviewed: 600 - 9-26-15	
Reviewed: 607 - 8-11-2017	
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Review: Annually	
Accreditation: OAA 1.3.6, 1.3.7	

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASERs.

309.2 POLICY

The TASER 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 TASERS

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

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

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

When carried while in uniform, officers shall carry the TASER in a weak-side holster on the side opposite the duty weapon.

(a) All TASERs 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.

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

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

309.4 VERBAL AND VISUAL WARNINGS

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

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

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

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER. 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 in the related report.

309.5 USE OF THE TASER

The TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER 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 EMDTDEVICE

The TASER 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 to apprehend an individual.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER 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.

(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.

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

Because the application of the TASER 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 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 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

Officers should apply the TASER for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER 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 appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER, 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 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 be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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309.5.6 DANGEROUS ANIMALS
The TASER 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 TASERs while off-duty.

Officers shall ensure that TASERs 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.

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

309.6.1 TASER DEVICE FORM
Items that shall be included in the TASER report form are:

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

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of TASER activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the TASER was used.

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

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

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

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

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

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

(a) Identification of all personnel firing TASER

(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

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER probes from a person's body. Used TASER 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 probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

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

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

309.8 SUPERVISOR RESPONSIBILITIES

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

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

309.9 TRAINING

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

Proficiency training for personnel who have been issued TASERs 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 Operations Lieutenant. All training and proficiency for TASERs will be documented in the officer's training file.

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

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

The Operations Lieutenant is responsible for ensuring that all members who carry TASERs have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Operations Lieutenant 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 and transitioning to other force options.

(f) De-escalation techniques.

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

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309.10 ADOPTION / REVIEW / ACCREDITATION

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Updated: Lexipol 6/2009 -- D-09-008	Effective: 6-24-09
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-10
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-10
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-11
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-11
Updated: Lexipol 5/2012 -- D-12-003	Effective: 6-26-12
Reviewed: 2-5-2014 (606)	
Update: Lexipol — D15-001	Effective: 4-2-15
Review: Annually	
Accreditation: OAA 1.3.6, 1.3.7	

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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.

310.2 POLICY

The policy of the Newport 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 Newport Police Department would control the investigation if the suspect’s crime occurred in Newport.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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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.

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.

310.5 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 NPD 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.

310.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved NPD 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 NPD 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.

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

(c) Provide all available information to the Shift Supervisor and WVCC. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional NPD 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 NPD officer should be given an administrative order not to discuss the incident with other involved officers or NPD 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 SHIFT SUPERVISOR RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Shift Supervisor.

310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Operations Lieutenant
- Lincoln County Major Crime Team
- Civil Liability Response Team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officers Association representative
- 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.

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1. Involved NPD 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-NPD 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 NPD 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 NPD members, upon request.

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

(e) Communications with peer counselors are confidential (except threats of suicide or admissions of criminal conduct) and may not be disclosed by any person participating in the peer support counseling session (ORS 181A.835). To be considered confidential communications under the statute, the peer counselor must:

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

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

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

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shall be the responsibility of the Shift Supervisor 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) NPD supervisors and Operations Lieutenant personnel should not participate directly in any voluntary interview of NPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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

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

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

310.6.1 REPORTS BY INVOLVED NPD OFFICERS

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

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

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

(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 Detective Section supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

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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 NPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Operations Lieutenant and will be considered a confidential officer personnel file.

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

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

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

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

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

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

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

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

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

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5. The Operations Lieutenant shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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.

310.10 DEBRIEFING

Following an officer-involved shooting or death, the Newport 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 Operations Lieutenant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

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

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

310.12 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 Shift Supervisor, Investigation Operations Lieutenant and Chief of Police or designee in the event of inquiries from the media.

No involved NPD officershall make any comment to the media unless he/she is authorized by the Chief of Police or a Operations Lieutenant.

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

310.13 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 6/2009 -- D-09-008	Effective: 6-24-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-2012
Updated: Lexipol 12/2012 -- D13-001	Effective: 1-19-2013
Reviewed: 5-20-2013	

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Officer-Involved Shootings and Deaths

Updated: Lexipol — D-15=001	Effective: 4-2-2015
Updated: Lexipol -- D-16-008	Effective: 8-18-2016
Review: Annually	
Accreditation Standards: OAA 1.3.8	

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

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

312.2 POLICY

The Newport 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.

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 Operations Lieutenant. 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 23 .40 SW. The following additional handguns are approved for on-duty use.

MAKE	MODEL	CALIBER
Glock	31	.357sig
Glock	32	.357sig
Glock	22	.40
Glock	23C	.40
Glock	21	.45
Colt	1911	.45
Led Baer	1911	.45
Smith & Wesson	1911	.45

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Smith & Wesson	4566	.45
Sig Sauer	1911	.45
Kimber	1911	.45
Wilson	1911	.45
Springfield	1911	.45

312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 gauge.

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

312.3.3 FIREARM SAFE

The Department will issue a firearm safe to each sworn officer. Should an officer elect to not utilize an issued firearm safe he/she will sign a waiver indicating that choice and certify that firearms will be stored in an equivalent storage location.

312.3.4 PATROL RIFLES

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

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.

312.3.5 DEFINITION

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

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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.

(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

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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 badges and Newport Police Department identification cards under circumstances requiring possession of such identification.

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 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly 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 once a year. Training and qualifications must be on an approved range course.

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

312.4.1 NON-CERTIFICATION OR NON-QUALIFICATION
If any member fails qualify or attend firearms training 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.

312.4.2 FAILURE TO QUALIFY WITH FIREARM(S)
This section shall apply to handgun, rifle and shotgun qualifications. It may apply to other qualifications at the discretion of the Chief of Police or designee. In order to maintain the integrity of the firearms qualification program with regard to non-qualifying members, the following shall be observed:

(a) First Day - Unable to Qualify

1. If a member is not able to qualify on the first attempt (3 total), then he/she shall be dismissed from the firing line and given remedial training. This remedial training shall take place at the range, and, at least should include a thorough review of shooting basics.

2. If unable to qualify with a second set of three attempts (6 total), the member shall be dismissed from the range and suspected from carrying a firearm on duty. A Work Performance Documentation shall be written, including a description of the remedial training provided earlier. Such members should be encouraged to obtain private tutoring and practice on their own time and at their own expense. At the earliest practical and convenient opportunity for the Department, the member shall be required to attend additional remedial training and attempt to qualify.

(b) Second Day - Unable to Qualify

1. Those members unable to qualify after a second day (12 attempts in two days) shall remain suspended and be required to attend further remedial training. Another Work Performance Documentation shall be written. Further documentation, including a work plan, may be rrequired at the discretion of the Chief of Police or his/her designee. The member's ability to perform the basic duties of a police officer in a competent manner shall be considered with regard to Policy 340 of this manual. Members required to attend a second day shall be required to qualify again in three (3) months, then not again until the next qualification.

(c) Failure to qualify at each subsequent qualification shall renew the remedial process as described in this section.

312.5 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

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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 Operations Lieutenant or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

312.5.1 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.

312.5.2 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.

312.5.3 WARNING AND OTHER SHOTS

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

312.6 RANGEMASTER DUTIES

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

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

312.7 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 Newport 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 Newport Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer’s travel. If approved, TSA will send the Newport 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.

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(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.

312.8 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 Newport 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.

312.9 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.

312.9.1 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.

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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.

312.9.2 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.

312.9.3 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.

312.9.4 OPTICS OR LASER SIGHTS

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

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

312.10 SAFE HANDLING, INSPECTION AND STORAGE

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

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

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

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

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

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(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.

312.10.1 INSPECTION AND STORAGE

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

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

312.10.2 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.

312.10.3 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.

312.11 ADOPTION / REVIEW / ACCREDITATION

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Firearms

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Review: Even Years	
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Vehicle Use Policy

313.1 PURPOSE AND SCOPE

The Department utilizes City-owned motor vehicles in a variety of situations by multiple personnel. In order to maintain a system of accountability, and ensure City-owned vehicles are used appropriately, regulations relating to the use of City-owned vehicles have been established. The term "City-owned," as used in this section, also refers to any vehicle leased or rented by the City.

Refer to Chapter 706 - Vehicle Assignment Policy

313.2 DEFINITIONS

(a) Normal or Routine Driving - Vehicle speed is consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road," and courtesy.

(b) Pursuit Driving - The pursuit and apprehension of a violator or violators in a motor vehicle. Pursuits are conducted using emergency visual and audible equipment. Pursuit driving shall also be defined when a violator is using evasive action to avoid police contact.

(c) Emergency Driving - In response to a life-threatening or other serious incident (based on available information) that requires emergency equipment in operation.

(d) Emergency Equipment - Flickering, steady, blinking, or alternating emergency lights, and a siren, whistle, or air horn designed to give intermittent signals.

(e) True Emergency - A situation in which there is a probability of death or serious injury to an individual, or significant property loss, and in which the actions of the emergency vehicle operator may reduce the seriousness of the situation.

(f) Due Regard - Actions that a reasonable prudent law enforcement officer would perform in the same manner under similar circumstances and with similar information.

(g) Pursuit Termination Devices - Instruments designed for use on road surfaces that will intentionally puncture tires, thereby permitting controlled deflation of air.

313.3 POLICY

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. The public expects its law enforcement officers to demonstrate exemplary driving behavior. All Department personnel who operate law enforcement vehicles will comply with safe driving procedures outlined herein, with particular attention to responding to calls for service or engaging in pursuits.

Emergency warning devices shall be judiciously used, consistent with both legal requirements and the safety of the public and law enforcement personnel.

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Pursuits are extremely dangerous to the employee, the suspect, and the public. All employees operating agency vehicles shall exercise due regard for the safety of all persons when engaging in pursuits.

Roadblocks are a last resort in stopping suspects, and can only be engaged with prior approval of a supervisor, with the utmost caution, and consistent with legal considerations.

313.4 CONSIDERATION FOR OPERATING CITY VEHICLES

(a) All agency vehicles will be driven safely and in full compliance with all traffic laws and regulations. Law enforcement vehicles are conspicuous symbols of authority on the streets where the actions of law enforcement drivers are observed by many. Each law enforcement driver must set an example of good driving behavior and habits. Drivers of marked police vehicles are reminded that their vehicles are a visible representation of Newport Police and, as such, they will be kept clean, organized, and in good working order.

(b) Under certain emergencies defined below, Oregon Revised Statute 820.300 exempts emergency vehicles from traffic laws. However, both the operator and the agency are not released from liability for failure to use reasonable care in such operation. Improper driving may subject each law enforcement driver to civil and/or criminal prosecution, while inflicting harm or injury to the driver, other law enforcement personnel or citizens, or causing property damage as well as damage to the image of the agency and law enforcement generally. Oregon Revised Statues 820.300 is not a defense to the law enforcement driver of an emergency vehicle in an action brought for criminal negligence or reckless conduct. This policy, along with Oregon Revised Statute 820.300, does not relieve the law enforcement driver of an emergency vehicle from the duty to comply with Oregon Revised Statute 811.155, Failure to Stop for Bus Safety Lights.

313.4.1 ROUTINE OPERATION

(a) Department vehicles shall be driven by Department employees. Department employees shall drive their assigned vehicle unless circumstances dictate otherwise, and it is approved by a supervisor. City-owned vehicles assigned to personnel as "take home vehicles" may be used to transport the employee to and from their residence for work-related purposes. This vehicle shall not be used for personal errands or transport. The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time, and/or permission to take home a vehicle may be withdrawn at any time.

(b) Department personnel operating City-owned vehicles shall not permit persons other than City employees, persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle (see Ride Along Policy).

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An employee under a personnel contract that permits exclusive use of a vehicle is exempted.

(c) In case of a crash or damage to any law enforcement vehicle, the driver will immediately contact a supervisor. The supervisor will assign an officer to conduct a crash investigation. In instances of extensive damage, serious injury, or other extenuating circumstances, the supervisor may request an outside agency to handle the investigation. The report should be immediately documented on a state traffic crash investigation report. The Chief's designee will review all such reports, and recommend appropriate action to the Chief of Police.

(d) Vehicles used in routine or general patrol service will be conspicuously marked. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.

(e) Unmarked cars shall not be used for continuous pursuit, but may be used for patrol with prior approval of the respective unit supervisor. They may be used to stop vehicles, provided they are equipped with suitable mounted emergency warning devices.

(f) Standard lighting equipment on marked vehicles may include, but is not limited to, hazard warning lights, spotlights, alley (side) lights, a rooftop light bar, and deck lights. Alley lights, take-down lights, and spotlights may be used when the vehicle is stationary or moving, and shall generally not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles. Unmarked police vehicles will utilize concealed hazard warning lights to the front and rear of the vehicle.

(g) Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. A law enforcement officer may disengage the seatbelt upon an to any scene of an incident or service call where the law enforcement officer believes a rapid departure from the vehicle may be required.

(h) The security of City-owned vehicles is important. Employees who take home vehicles shall ensure that they are locked when not attended. All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk, or properly secured in the residence, when the vehicle is not attended. When the employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the Department, or in the garage of the employee, if available. All vehicle keys shall be kept in a secure place; if lost, it shall be promptly reported in writing through the employee's supervisor.

(i) Officers shall not become involved in enforcement actions outside this jurisdiction when driving an assigned vehicle to and from work, except in circumstances where a potential threat to life or serious property damage exists. Officers may render public assistance, e.g., to a stranded motorist, when deemed prudent. Officers driving Department vehicles shall be armed at all times.

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313.4.2 INSPECTIONS

(a) Employees assigned to an agency vehicle shall perform a daily vehicle inspection to check the cleanliness, general operability of equipment, tires, and fluid levels (oil, brake fluid, gas).

(b) At the beginning and end of their shifts, employees shall examine their vehicles for damage, and immediately report any damage to their supervisor.

(c) At the beginning and end of their shifts, employees shall search their vehicles for evidence, contraband, or property discarded by prisoners or others.

(d) A vehicle inspection form shall be completed by each officer at the beginning of their work week, and submitted to their supervisor. The form will be forwarded to the Fleet Supervisor.

(e) Employees shall make certain that the vehicle has been fueled and has a full tank for the oncoming shift.

(f) If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an employee, disciplinary action may result.

313.4.3 DRIVING RULES

(a) Circumstances permitting, the driver shall check the safety features of the vehicle before commencing operation. The check should include all lights, brakes, siren, horn, and steering.

(b) No driver shall modify, remove, deactivate, add, or otherwise tamper with any part of a City-owned vehicle.

(c) During periods of inclement weather when agency vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses are kept clean, insofar as circumstances permit.

(d) No vehicle shall be operated that is deemed unsafe by the supervisor.

(e) Agency vehicles shall not be left unattended with its engine in operation. In all cases the vehicle will be locked when left unattended.

(f) The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle in accordance with these variables.

(g) The nature of certain crimes in progress may require the siren to be discontinued upon close approach to the location of the occurrence. Although such action is permitted by authority of this order, vehicle operations under these conditions require and compliance with all Oregon Revised Statutes.

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(h) Emergency driving to the scene of a law enforcement incident is permissible when there is believed to be a probability that an emergency continues to exist.

(i) Upon approaching a controlled intersection or other location where there is a greater possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of the vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the officer shall slow or stop the vehicle and assure by careful observation that the way is clear before proceeding through the intersection.

(j) At the scene of a crime, a motor vehicle crash, or other law enforcement incident, a law enforcement vehicle shall be parked in such a manner as to protect the scene, yet minimize obstacles or hazards to other traffic. The emergency lights should always be used to warn other drivers approaching the location.

(k) Operators of law enforcement vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways.

313.5 CONSIDERATIONS FOR EMERGENCY DRIVING

No fixed rule can apply to every circumstance that may arise regarding emergency driving. The agency, however, imposes on the employees the duty to drive with due regard for the safety of all persons.

Protection of human life is paramount. The responding employee must remember the objective is to get to the location of the occurrence safely, as soon as possible, and without danger to one's self or others.

313.5.1 LAW ENFORCEMENT OFFICER'S RESPONSE TO CALLS

(a) Upon arrival at the scene of a call, the responding employee should rapidly evaluate the situation and determine whether additional units are still needed, or whether other units responding using emergency lights and siren may be slowed or canceled.

(b) All units responding to robbery and burglary in-progress calls may, before coming within hearing distance, discontinue the use of the emergency warning devices.

(c) In situations requiring silent response, e.g., alarm response or prowler calls, officers will respond as rapidly as possible, driving with appropriate care.

313.5.2 LAW ENFORCEMENT OFFICER'S INITIATED RESPONSE

(a) Emergency warning devices may be activated when, in the opinion of the employee, an emergency exists or is imminent, or activation of emergency warning devices is

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necessary to protect life or render the necessary law enforcement service. Examples include, but are not limited to, the following:

(a) At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, crashes, or disasters)

(b) As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent danger

(c) Responding to a call where the employee has previous or additional information that justifies an emergency response.

(d) When the employee determines that emergency operating conditions are essential in order to provide an appropriate law enforcement response, due to location, distance to be traveled, or traffic conditions

(e) In response to a law enforcement officer request for emergency assistance.

313.5.3 DAMAGE, ABUSE, AND MISUSE

(a) Any damage to a vehicle not caused by a traffic collision shall immediately be documented in memorandum format and forwarded to the shift sergeant and Fleet Supervisor.

(b) An administrative investigation will be conducted to determine vehicle abuse and misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

313.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008 -- D-08-011	Effective: 10-22-2008
Reviewed: 11-6-2013	
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Review: Odd years	
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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.

314.1.1 POLICE PURSUIT DEFINED

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

314.1.2 FAILURE TO YIELD

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

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 (ORS 820.300). This exemption only applies to emergency vehicles using

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emergency lights and sirens (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

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.

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 suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects 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.

(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 such as helicopter assistance.

(m) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoners in the police vehicle.

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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 suspects' escape.

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

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

(a) Distance between the pursuing officers and the fleeing vehicles is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) 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) 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.

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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 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 or any police helicopter. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

314.3.2 PRIMARY UNIT RESPONSIBILITIES

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

Notify WVCC 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.

314.3.3 SECONDARY UNITS RESPONSIBILITIES

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

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(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

314.3.4 PURSUIT DRIVING TACTICS

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

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

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due caution when proceeding through controlled intersections.

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

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspects.
4. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.

(d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.3.5 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.

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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.

314.3.6 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.

314.3.7 AIRCRAFT ASSISTANCE

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

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.

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(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 NPD units when a pursuit enters another jurisdiction.

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

314.4.1 SHIFT SUPERVISOR RESPONSIBILITY

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

The Shift Supervisor shall review all pertinent reports for content and forward to the Operations Lieutenant.

314.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, WVCC 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 Shift Supervisor as soon as practical.

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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.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this agency is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

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

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

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

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

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

314.7.2 DEFINITIONS

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

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

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

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

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

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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.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for

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situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. Any roadblock implemented should include reasonable line-of-sight distance permitting the suspect to recognize, react to and stop before striking the roadblock.

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.

314.8 REPORTING REQUIREMENTS

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

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

(b) A field supervisor shall complete an Incident Notification in Guardian Tracker . The Incident Notification shall minimally contain the following information:

1. Date and time of pursuit.
2. Length of pursuit.
3. Involved units and officers.
4. Initial reason for pursuit.
5. Starting and termination points.
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
7. Injuries and/or property damage.
8. Medical treatment.
9. Name of supervisor at scene.
10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
11. Determine the need for any additional review and/or follow up.

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, Operations Lieutenant Operations Lieutenant will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is

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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.

314.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-5-2007	Effective: 12-3-2007
Updated: Lexipol 1/2008	Effective: 4-13-2008
Updated: Lexipol 12/2008 -- D-09-001	Effective: 3-2-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-11-2010
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-2013
Reviewed: 11-1-2013 (619)	
Reviewed: 2-5-2014(606)	
Updated: 5/2020	Effective: 5-13-2020
Review: Annually	
Accreditation: 2.1.1, 2.1.2	

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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.

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 820.300 and 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 735-110-000(8) and 735-110-0010(1-3).

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

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 (820.300).

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

316.2.1 DEFINITIONS

Code Zero - Emergency responses, field unit in immediate danger. Used to indicate an officer is being physically assaulted or threatened with bodily harm.

Code One - Code One responses are used for calls of a routine nature. The response speed should be at the speed limit for the area. Traffic stops for vehicle code violations or other citizen contacts may be made while responding to a Code 1 call. Personal observation of a more serious matter would justify postponement of a Code 1 call, but would not relieve the assigned officer of call responsibility unless he/she specifically requests the call be reassigned.

Code Two - Code Two responses are urgent in nature and require that officers go directly to the scene while obeying all traffic regulations. Minor traffic violators should not be stopped. Observation of serious traffic offenses, crashes, or crimes in progress would warrant stopping and requesting reassignment of the call. The use of emergency equipment would be authorized only in moving through traffic-congested areas when arrival at the location of the call is of such nature that delay would have a detrimental effect on persons or property.

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The use of emergency lights and siren are not authorized on Code 1 calls, and on Code 2 calls only when moving through congested traffic or when deemed necessary by the officer. The officer must then be able to articulate a valid justification for emergency equipment use.

Code Three - Code Three is defined as driving an emergency vehicle in an emergency situation using emergency lights and siren. Code 3 responses are emergency in nature and require immediate response. Officers may use emergency lights and siren at their discretion when there is information provided, or an assessment of available information is used, to determine the following circumstances:

- An officer is in actual "pursuit"
- There is imminent danger to a citizen, and the immediate presence of a police officer might save lives or prevent injuries
- A police officer requires immediate assistance to control a volatile situation
- A felony situation where there is reliable, direct information regarding "crime in progress"
- There has been a crash with suspected or known injuries

Code Four -Situation is under control/return to service. Used by field unit or field supervisor to report that a situation is under control.

Code Five - Stay clear of the area. Used in conjunction with surveillance to advise marked units to remain away from an area.

Code Six - Cover Alarm. Used by dispatch to check on status of a field unit when dispatch receives an automatic emergency signal, and to dispatch assistance. Upon receipt of alarm, the dispatcher will call the number of the unit sending the alarm and ask "Unit ###, CODE 6?" If the unit does not state "Code 4" the dispatcher will announce: "For all units, Unit ### CODE 6 at (location)." Normal response will be CODE 3. Can also be used by field units when they are in need of a cover unit. Normal response would be CODE 2 unless specified differently by a field supervisor.

Code Seven - Lunch Break

Code Seven - Charlie - Non-lunch break (coffee)

Code Eight - Confidential Information. Indicates information is available, but it is undesirable to allow the subject with the field unit to overhear. Also used by a field unit to advise they do not wish to receive information at the present time due to the presence of the subject.

Code Eight - Delta - Confidential information relating to a subject's driving record; if subject is revoked, suspended or has a partial reinstatement.

Code Eight - Golf - Used for motorcycle gang affiliates.

Code Eight - Whiskey - Confidential information relating to stolen vehicles or subject(s) with any type of warrant.

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Code Nine - Emergency in Progress. Keep the air clear for emergency transmission. Radio transmissions should be limited to information essential to the emergency.

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 LinCom.

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

- Unit number
- Location
- Reason for the request and type of emergency
- Number of units required.

316.3.1 NUMBER OF UNITS ASSIGNED

Normally only the number of units anticipated to be needed shall respond to an emergency call Code 3 unless the circumstances dictate more are needed, or the Shift Supervisor authorizes an additional unit(s).

316.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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

When transmitting over the radio, officers shall use the approved WVCC phonetic alphabet.

316.5 COMMUNICATIONS RESPONSIBILITIES

A Code 3 response is an officer requesting emergency assistance, or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The dispatcher is expected to:

(a) Attempt to assign the closest available unit to the location requiring assistance

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(b) Immediately notify the Shift Supervisor or On-call Supervisor

(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, and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency, and coordinate assistance under the direction of the Shift Supervisor

316.6 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code 3 response. In all cases the officer shall notify LinCom of the equipment failure so that another unit may be assigned to the emergency response.

316.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008	Effective: 10-22-2008
Updated: 3-7-2013 -- D-13-004	Effective: 2-18-2013
Review: As Needed	
Accreditation: OAA 2.1.1, 2.1.2	

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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.

318.2 POLICY

It is the policy of the Newport 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 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for drugs or other contraband, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:

(a) Content of the search warrant, if applicable

(b) Nature of the exigent circumstances

(c) Any potential danger to the public and/or other officers at the scene if the canine is released

(d) Any hazards facing the canine or handler

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

318.2.2 USE OF DRUG-DETECTION CANINES

A drug-detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for controlled substances during a search warrant service

(b) To obtain a search warrant by using the detection canine in support of probable cause

(c) To search vehicles, buildings, bags, and any other articles deemed necessary

(d) A drug-detection canine will not be used to search a person for controlled substances

318.2.3 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances,

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it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

(a) Absent a change in circumstances which presents an imminent threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.

(b) Throughout the deployment of the canine in such circumstances, the handler should consider giving periodic verbal assurances that the canine will not bite or hurt the person.

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

(d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

318.2.4 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the injuries documented in an Incident Notification. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the Operations Lieutenant. Unintended bites or injuries caused by the canine should be documented in an administrative report, in addition to an Incident Notification entry.

The Supervisor shall submit a NPD Incident Notification. The canine handler shall notify the local public health administrator immediately should any canine develop abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

318.2.5 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Operations Lieutenant.

Medical care for any injured canine should follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented on an Incident Notification.

318.2.6 ASSIGNMENT OF CANINES

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

318.3 CANINE COORDINATOR

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

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) Newport Police Department officer (currently off probation) and be in current good standing with the Department.

(b) Reside in an adequately fenced, single-family residence with an approved kennel area, approved by the canine unit coordinator.

(c) Meet the residence requirements as outlined in NPD policy.

(d) Agree to be assigned to the position for a minimum of three years

(e) Must be physically able to maintain and care for the canine.

Officers are assigned as a canine handler on a voluntary basis.An officer who desires to become a handler must submit a letter of interest through their chain of command and will participate in an interview with a panel.

Some desirable traits of the applicant include good police patrol skills, desire/ability to work with a dog, willingness to undergo extensive initial, and on-going training to become familiar with narcotic canine work and procedures, the ability to perform under high stress situations, and above average work ethic as well as the willingness (of the officer and his/her family) to care for and house the canine at the handler's residence in such a way that will create and maintain a strong bond between the officer and the canine.

318.4.1 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:

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(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 a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Newport Police Department facility.

(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes, as well as their canine vehicle to verify that conditions and equipment conform to this policy.

(e) 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.

(f) 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.

(g) 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

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator, or shift supervisor

(i) 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 shift supervisor

(j) 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

(k) 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.

318.4.2 AVAILABILITY

The handler shall be available for call out under the conditions specified by the unit coordinator, and the Handler's Collective Bargaining Agreement.The handler will be provided with a Department issued cellular telephone, or other communications device approved by the unit coordinator.

318.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine.

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318.5.1 PROCEDURES

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

(a) Only the Dog Handler and Unit Coordinator will have access to the vault containing the training aids. The Unit Coordinator will respond immediately and take custody of the training aids if the handler is unable to maintain custody due to accident, injury, or other reasons deemed necessary to include leaves of absences or extended vacation time of the Handler.

(b) As provided in Policy § 318.9 (d), narcotics may be obtained from the US Drug Enforcement Agency. Upon receiving the DEA narcotics, verification of initial weight will be obtained by the Handler or Unit Coordinator. Once this is accomplished, the Handler may repackage the controlled substances as needed for training. The Handler and Unit Coordinator will weigh the entire supply of controlled substance training aids every three (3) months. The handler and Evidence personnel or Unit Coordinator will sign/date the master record noting the exact gross weight of the training aids including those narcotics assigned to the handler and those secured in the evidence room. The Handler will maintain an inventory of all training aids assigned to him/her.

(c) An additional method of obtaining controlled substance training aids may be through the Newport Department Property/Evidence room. These controlled substances must be verified by testing at the Oregon State Police Crime Laboratory. Once the weight of the training aids are verified by the Handler and Evidence Custodian, the Handler may then repackage the controlled substances as needed for training. The entire supply of training aids will be weighed every three (3) months, and this weight verified by the Unit Coordinator. The Handler and Evidence Custodian will sign/date the master record noting the exact gross weight of the training aids. The Handler will maintain an inventory of all training aids assigned to him/her.

(d) Any person handling controlled substance training samples per this policy shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

    (a) The Handler responsible for the training aids will be the only key holder to the drug vault mounted in his/her vehicle. This key will remain in the possession of the handler at all times. A second key will be securely maintained in the Newport Police Department evidence room.

(e) The Unit Coordinator assigned to supervise the Handler will maintain a master record of training aids. This record will contain documentation of the receipt, verification, processing into training aids, and return for destruction of all controlled substances. The date, time, amount of controlled substances, and signatures of all persons receiving controlled substances will be documented in the master record.

(f) All controlled substance training samples issued to handlers will be stored separately in clearly labeled containers inside a locked vault at all times, except during training. The locked vault shall be secured in the trunk or cargo storage area of the canine handler's assigned patrol unit. When stored in the Newport Police Department evidence room, all training aids will be in a locked storage locker.The key will be

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maintained by the handler. There are no exceptions to this procedure. The containers should be labeled as follows:

(a) Marijuana

(b) Cocaine

(c) Heroin

(d) Methamphetamine

(g) The Handler will keep a copy of the inventory of assigned training aids inside the vault with the training aids along with a photocopy of the DEA Registration.

(h) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take necessary action.

(i) If the controlled substance training aids are damaged, lost, or stolen, the handler will immediately notify the Unit Coordinator and report the incident. If the Unit Coordinator is unavailable, the Handler will immediately notify the Lieutenant and then the Police Chief. The handler will complete a report prior to going off-duty.

(j) The training aids will be periodically replaced with a fresh supply as needed. The old training aids will be submitted to the Newport Police Property/Evidence room for disposal. The Handler and Evidence Custodian or Unit Coordinator will weigh the controlled substance training aids and test them for purity.

(k) The handler shall request a case number for training aid destruction and enter the training aids into the evidence storage using the Newport Police Department Policy. The actual destruction/disposal of the narcotics shall be conducted per the Newport Police Department Evidence Policy. The handler will write a non-narrative report documenting what training aids are being placed into the evidence room, their beginning weight at time of issue, their ending weight at time of return, and the reason for entering the training aids for destruction.

318.5.2 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor,or Canine Unit Coordinator, 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.

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318.5.3 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.

318.5.4 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

318.5.5 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Collective Bargaining Agreement.

318.5.6 HANDLER UNIFORM

The canine handler shall report to duty in the standard canine handler uniform when working with the canine. This uniform will be a BDU type shirt and pants or comparable one-piece suit. The shirt shall be marked with NPD shoulder patches, cloth badge patch and name tag. No specialty patches or devices shall be worn with the exception of an approved canine patch.

The shirt will be tucked into the pants at all times. The bottoms of the pants may be either cleanly pressed or bloused. The sleeves of the uniform shirt may be either long or short sleeved; long sleeves may be rolled up using a military style three inch cut-off, as long as the cuff does not obstruct the shoulder patch. Handlers may elect to wear a Department approved jacket or windbreaker when called out to a deployment during off-duty hours.

The handler may elect to wear a nylon type duty belt and associated gear including drop-style holsters in lieu of the regulation leather gear.

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 Shift Supervisor. 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 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/office] 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/office] 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 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.

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(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 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to current Oregon Police Canine Association (OPCA) standards (as applicable), or other accredited and recognized animal handling organization, on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall train on a weekly basis and with other NPD canine handlers, or canine teams from other departments whenever possible.

(b) Canine handlers are encouraged to engage in additional training with approval of the unit coordinator

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Newport Police Department

(d) All canine training should be conducted while on-duty unless otherwise approved by the unit coordinator or Shift Supervisor

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.

318.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

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(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

318.8 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 Shift Supervisor 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.

318.9 RETIREMENT OF CANINE

In the event the City owned canine is permanently retired, the most recent handler shall have the option to purchase the canine from the City for one (1) dollar, as is. The purchase of the dog shall include an indemnification and hold harmless agreement signed by the purchasing officer releasing the City from all future liability including veterinary care, maintenance, and other costs relating to the future care of the canine.

All medical and pedigree records shall be provided to the adopting handler without charge.

In the event the canine has had more than one handler, and the most recent handler of that canine chooses not to purchase the canine, the next most recent handler shall have the same purchase option. If no prior handlers choose to purchase the dog, any officer may have the option for the purchase. If no employee chooses to make the purchase, the City has the option and authority to euthanize the dog.

318.10 APPROVAL / REVIEW / ACCREDITATION

Adopted:4-1-2009	Effective:4-1-2009
Updated:Lexipol 6/2010 -- D-10-004	Effective:7-10-2010
Updated:Lexipol 6/2011 — D-11-007	Effective:7-25-2011
Updated:Lexipol 8/2012 -- D-12-009	Effective:8-29-2012
Updated:Lexipol 6/2013 -- D-13-016	Effective:7-15-2013
Updated:Lexipol 12/2013 — D-13-021	Effective:1-10-2014
Updated:Lexipol 5/2015 -- D-15-012	Pending
Updated:Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Updated: Lexipol 4/ 2020	Effective: 5-7-2020
Review:As needed	

Accreditation Standards:OAA 2.1.5

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

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

320.2 POLICY

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

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.

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(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Section in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

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

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

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

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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:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the [department/office]'s domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

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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 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).

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320.8.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS

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

The officer who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

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).

320.10 REPORTS AND NOTIFICATIONS

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

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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 Operations Lieutenant 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 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-24-2008	Effective: 5-10-2008
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-2011
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Updated: Lexipol 12/2015 - D-16-001	Effective: 1-26-2016
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Reviewed: 604 - 8-11-2017	
Review: Even Years	
Accreditation: OAA 2.2.1	

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

322.1.1 DOJ SEARCH AND SEIZURE MANUAL

The Department has adopted the Oregon Department of Justice 2012 Search and Seizure Manual as an up-to-date reference for such matters. A copy can be found on the shared drive: Y://NPD/Shared/Publications/2012 Search and Seizure Manual.

322.2 POLICY

It is the policy of the Newport 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.

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

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according to current training and his/her familiarity with clearly established rights as determined by case law.

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

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

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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.

322.6 ADOPTION / REVIEW / ACCREDITATION

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Updated: Lexipol 12/2010 - D-11-001		Effective: 1-12-2011
Updated: Lexipol 6/2011 - D-11-007		Effective: 7-25-2011
Updated: 6-26-2012 - D-12-002		Effective: 6-26-2012
Updated: 3-26-2013 - D-13-006		Effective: 3-26-2013
Reviewed: 10-4-2013		
Reviewed: 6-3-2014 — 603		
Reviewed: 6-12-2015 -- 606		
Review: Annually		
Accreditation Standards: 1.2.2		

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School Resource Officer

323.1 PURPOSE AND SCOPE

The School Resource Officer (SRO) program is a cooperative effort between the Newport Police Department and the Lincoln County School District. A School Resource Officers will be assigned to Newport area schools where the SRO's primary responsibility is to serve as a sworn law enforcement officer within his/her assigned school community. Secondary responsibilities include serving as a mentor, instructor and positive role model to students. School Resource Officers shall wear the agency approved police uniform while on-duty at his/her assignment, including all issued equipment. The SRO supervisor may grant exceptions to this requirement for special events/duties. Every School Resource Officer (SRO) shall strive to work closely and cooperatively with the school's teachers, guidance counselors and administrators to assist with development of a safe and secure school environment.

323.2 POLICY

The Newport Police Department is committed to working in close partnership with Lincoln County School District to provide a safe and secure learning environment.

323.3 SRO RESPONSIBILITIES

The SRO shall be bound by all policies and procedures of the Newport Police Department.

The SRO's normal duty hours will be 0800 to 1600, Monday-Friday. The duty hours of the SRO will be flexible to allow the officer to modify the work schedule and accommodate special assignments.

The SRO is a crime prevention officer who shall have similar duties as other crime prevention officers. When not assigned to or involved in SRO activities, the SRO shall assume duties assigned by the Operations Lieutenant.

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323.4 SRO DUTIES

The position of SRO is created to assist school personnel in the prevention, intervention, and investigation of criminal activity on school property.

(a) Provide a uniformed, visible police presence to deter violent acts/threats from inside & outside the school.

(b) Address calls for police service in his/her assigned school when on-duty and at their assignment.

(c) Serve as a counselor, mentor, and educator for students Newport area schools

(d) Serve as a resource to school faculty and parents for programs concerning violence prevention strategies, delinquency prevention, gang awareness, gun safety, substance abuse awareness and prevention, school safety preparedness, crisis response readiness, after-school programs and other similar issues

(e) When requested, assist school faculty in formulating criminal justice education programs designed to teach the role of law enforcement in society and address ethical issues

(f) Inform students of their rights/responsibilities as lawful citizens

(g) Promote a positive image of law enforcement to students, their parents and the overall community.

(h) Ensuring the SRO remains on Newport School campuses while school is in session for students is of paramount importance to maintain safe and secure learning environments.

323.5 INVESTIGATIONS

The SRO is responsible for handling incidents that occur on school property during normal school hours and after school events. SRO responsibilities shall include but not be limited to:

(a) Child abuse investigations

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(b) Ccriminal damage to school property

(c) Theft of school property

(d) Theft of personal property

(e) Protection of school personnel

(f) Training of school personnel in handling emergencies

(g) Assistance in writing school emergency policies

(h) Prevention and control of illegal drugs on school property

(i) Seizure of firearms and other illegal weapons on school property

(j) Attending after school events, such as dances, ball games, festivals, etc.

(k) Assisting in reducing intimidation/bullying of students by other students

323.6 INVESTIGATION PROCESS

(a) SROs shall perform initial and follow-up investigations for most offenses reported during school (theft, robbery, assault, destruction to property, etc.) that occurred on a school campus.

(b) SROs will place criminal charges against offenders when legally appropriate

(c) SRO's shall request that cases be re-assigned when follow-up investigation exceeds the SRO's scope

(d) On school property, school personnel have authority that police officers do not have. The SRO may assist school personnel in matters for which school personnel have primary responsibility. Example: Locker, automobile, or student searches should be conducted by school personnel; the SRO will assist in collection of any contraband taken in the search. The SRO should not be present during the search of the locker, automobile or a person to prevent the school officials being considers agents of law enforcement. School personnel should notify the SRO of any contraband that they come into possession of. The SRO should always try to place himself/herself in a position that school personnel are not acting as agents of the police/SRO. The SRO should be aware of this legal position including K-9 searches on school property. The SRO shall not be prohibited from making on view arrests or detentions, nor from conducting searches when necessary in the ordinary performance of duties.

(e) Incidents occurring at public schools coming to the attention of patrol personnel after school hours and/or outside the school environment shall be handled per existing reporting requirement policies and not automatically referring the case to the SRO. Patrol personnel are encouraged to inform the SRO of incidents and the

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actions taken at Newport area schools or involving Newport area students. Two-way communications between the SRO and NPD staff is essential.

323.7 DISASTER RESPONSE

In emergency situations, a supervisor shall respond and take operational control of incident scenes, summon adequate resources per existing department policies and oversee immediate investigative needs

323.8 AGREEMENT TO IMPLEMENT SRO PROGRAM

(a) The SRO Program is founded on mutual agreements between the Lincoln County School District and the Newport Police Department

(b) Continuation of the SRO program with a particular school system is dependent on consent of the school system and the Department

(c) The SRO shall be provided a location at each school site where (s)he can write reports and have access to a telephone. The SRO shall have a contact person at each school whom he can notify when he is at the school.

323.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 1-5-2018 -- D-18-001 Effective: 1-20-2018

Review: As needed

Accreditation Standards: None

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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 Newport 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/office] member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

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(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

324.2 POLICY

The Newport 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 Newport 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 Newport 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 Newport 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 Newport 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 Newport Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

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 Newport 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 Newport 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 Newport 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).

324.5 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 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Newport Police Department more than four hours. This will enable the

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Shift Supervisor to ensure no juvenile is held at the Newport 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.

324.7 NO-CONTACT REQUIREMENTS

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

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

324.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Newport 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 Shift Supervisor. 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.

324.9 PERSONAL PROPERTY

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

324.10 SECURE CUSTODY

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

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

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

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

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

324.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

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

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

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

324.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

324.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

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

(a) Pursuant to a search warrant.

(b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.

(c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.

(d) By order of the juvenile court.

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

324.14 RECORDS

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

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Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in the Records Maintenance and Release Policy.

324.15 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 6/2010 - D-10-004	Effective: 7-15-2010
Updated: Lexipol 6/2011 - D-11-007	Effective: 7-25-2011
Updated: Lexipol 12/2012	Effective: 1-19-2013
Reviewed:3-5-2014(601)	
Updated: Lexipol 10/2017 - D-17-009	Effective: 12-27-2017
Updated: Lexipol 10/2018 -- D-19-003	Effective: 7-26-2019
Updated: Lexipol 10/2019	Effective: 2-14-2020
Updated: Lexipole 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Even Years	
Accreditation Standards: OAA 1.2.4	

324.16 TRAINING

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

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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 Newport 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 Newport 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 Newport 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/Office] of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.

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

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

(e) In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).

(f) Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

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.

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

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

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/Office] must begin investigations of abuse in a long-term care facility (ORS 441.650):

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

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

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

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

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

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

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

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

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

(h) Previous addresses of the victim and suspect.

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

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

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

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

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

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

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

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:

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

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

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 Detective Section supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Section supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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

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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 Detective Section supervisor so an interagency response can begin.

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

326.10.1 RECORDS SECTION RESPONSIBILITIES
The Records Section is responsible for:

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

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

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

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

(f) Availability of victim advocates or other support.

326.12 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-22-2009	Effective: 4-29-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 8/2015 -- D-15-011	Effective: 10-31-2015
Updated: Lexipol: 10/2018 -- D-19-003	Effective: 7-26-2019
Review: As Needed	

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Adult Abuse

Accreditation Standards: OAA 2.2.2	

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Discriminatory Harassment

328.1 PURPOSE AND SCOPE

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

This policy also applies to [department/office] elected officials (ORS 243.319).

328.2 POLICY

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

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

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

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

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328.3.2 SEXUAL HARASSMENT

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

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

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

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/office] 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/office] members, who shall follow the intent of these guidelines in a manner that reflects [department/office] policy, professional standards, and the best interest of the [Department/Office] and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to 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 HR Manager, 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 HR Manager 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/Office] 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 HR Manager, 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/Office] 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 HR Manager, 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/Office]. 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

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proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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 HR Manager, 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/Office].

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

328.8 ADDITIONAL REQUIREMENTS

The HR Manager 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)).

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(e) The statute of limitations periods for crimes related to sexual harassment vary from two to 12 years.

(f) Claims made against the Newport Police Department require advance notice pursuant to ORS 30.275 (ORS 243.319).

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

328.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-22-2009	Effective: 4-29-2009
Updated: Lexipol 6/2009 -- D-09-008	Effective: 6-24-2009
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-2012
Reviewed: 6-17-2013	
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2016
Updated: Lexipol 12/2019	Effective: 1/1/2020
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Annually	
Accreditation Standards: OAA 1.5.8	

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Child Abuse

330.1 POLICY

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

330.2 PURPOSE AND SCOPE

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

330.2.1 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).

330.3 MANDATORY NOTIFICATION

Members of the Newport 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).

330.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child-appropriate interview facilities.

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

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

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

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

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

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:

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

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

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

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

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

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

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

(i) Previous addresses of the victim and suspect.

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

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

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 cause to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in ORS 419B.028.

(b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).

(c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician.

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

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

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/office] should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DHS.

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

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

(a) When there is reasonable cause to believe any of the following:

1. An imminent threat of severe harm to the child exists
2. The child poses an imminent threat of severe harm to self or others
3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists

(b) When the juvenile court has issued a valid order that the child is to be taken into protective custody

(c) When it reasonably appears that the child has run away from home

330.6.1 NOTICE TO PARENTS

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

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(a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day.

(b) Advise the reason the child has been taken into custody.

(c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

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/office], as long as the child has no evidence of abuse (ORS 418.017).

When an infant is surrendered to this [department/office], members of the Newport 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.
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.

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

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 Detective Section supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Section supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

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 Detective Section supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

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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 Detective Section supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all [department/office] members (ORS 418.747).

330.10.3 CHILD FATALITY REVIEW TEAMS
This [department/office] 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/Office] should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

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

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

330.12 DHS CROSS REPORTS

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330.12.1 POLICY

It is the Policy of the Newport Police Department that this department and its Officers will take all steps to ensure the health and safety of children. Therefore all DHS Cross Reports received by the Newport Police Department will be fully investigated by the dispatched Officer.

The only exception is the “red Letter”. Red letters are notices sent to area hospitals when women who have had children previously taken into state custody or are known drug users are pregnant. There is no crime associated with these cross reports and require no further action by the Officer.

330.12.2 INVESTIGATIONS

When an Officer is dispatched to a DHS cross referral the Officer will fully investigate the complaint and make contact. The Officer will, contact the complainant, if available, and get any additional information related to the complaint. The Officer will, read the full DHS Cross Report to obtain the history of past complaints and their disposition. The Officer will, contact the subject of the complaint to ascertain the validity of the complaint, investigate if a crime has occurred and evaluate the health and living conditions of the child, i.e. welfare check.

If the subject of the complaint has moved, the Officer will attempt to ascertain the new location of the subject and investigate the complaint. If the subject of the complaint has moved out of the area the Officer will contact the appropriate Law Enforcement Agency and request an AOA. If the Officer has exhausted all means to locate the subject of the complaint the Officer will document the steps taken and the last known address of the subject.

330.12.3 DOCUMENTATION

(a) DHS Cross Reports that require no action, red letters, require only notes in the CAD and the Officer’s radio number. The CAD will be attached to the DHS Cross Report.

(b) DHS Cross Reports that are unfounded, i.e. a report of an unsanitary home that is not, only require notes in the CAD and the Officer’s radio number. The CAD will be attached to the DHS Cross Report.

(c) DHS Cross Reports that are founded, the allegation in the DHS Cross report is true, i.e. verbally abusive parents, unsanitary home, minor crimes, require a case number and report. Additionally if there is a history of DHS Cross Reports or Law Enforcement contacts with the family or the Officer feels the situation should be documented the incident will be fully investigated, a case number will be taken and a report completed. The Officer only needs to write the case number on the DHS Cross Report and submit it with the report.

(d) DHS Cross Reports that involve serious injury or sex abuse to a child will be investigated per protocols and the case submitted. These cases may be forward to the Detective by the Lieutenant or referred to the Officer for follow up as needed.

330.13 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008	Effective: 10-22-2008
Updated: Lexipol 12/2008 -- D-09-001	Effective: 3-2-2009
Updated: Lexipol 6/2009 -- D-09-008	Effective: 6-24-2009

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Child Abuse

Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
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Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-12
Updated:12-21-2014 — D-14-012	Effective: 12-21-2014
Reviewed:11-14-2015(600)	
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
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Updated: Lexipol 10/2019	Effective 2-14-2020
Review: Even years	
Accreditation Standards: OAA 2.2.3	

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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 Newport 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 Newport 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.

332.2.1 A CHILD IS MISSING PROGRAM

The Child Is Missing Program allows a targeted area to be contacted by telephone, and a message delivered about the missing person. The calling system allows for 1000 phone calls per minute.

Any officer may activate this system by calling 1-888-875-2246. Unless there is an emergency, calls should be made only from 0600 hours to 2230 hours. The following circumstances are appropriate to activate the calling service:

(a) All children, infants to 18 years of age
    (a) Adventurers - generally boys (7-11 years)
    (b) Runaways when foul play is suspected
    (c) First time runaways/missing - with/without foul play suspected
    (d) Stranger / parental abductions
    (e) Major emergencies that involve children, on a case by case basis
(b) Elderly (often with Alzheimer's)
(c) College students on campus
(d) Mentally challenged
(e) Disabled
(f) Unconscious individuals without identification
(g) To find a parent or guardian of a found child/elderly person that is in protective custody

The use of the A Child Is Missing program does not replace Amber Alert and may be used in conjunction with an Amber Alert.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

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

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

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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.
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.

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(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.

332.6 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 Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

332.6.2 DNA COLLECTION

If a person (who has been reported missing) has not been located within 30 days after the missing person report is made, detectives shall attempt to obtain a DNA from family members of the missing person in addition to any documentation necessary to enable the Department to use the sample in conducting searches of DNA databases.

Any DNA samples collected should be submitted in the appropriate DNA kit to the University of North Texas lab. Refer to the OSP Crime Lab for details.

(2007 Legislative Session, SB 351)

332.6.3 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

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(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Detective Section.

(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 DETECTIVE SECTION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the juvenile's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Shall, if the person has not been located within 30 days, ensure that a biological sample, if available, is forwarded to the Oregon State Police (ORS 146.187).

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update the Oregon LEDS, the Oregon State Police Missing Children Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

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(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 Operations Lieutenant 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:

(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 Detective Section Supervisor may authorize the closure of a missing person case after considering the following:

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(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 Newport 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 Operations Lieutenant should ensure that members of this [department/office] whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of [department/office] members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(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.

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(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).

332.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-16-2007	Effective: 1-15-2008
Updated: Lexipol 1/2008 -- D-08-007	Effective: 4-13-2008
Updated: Lexipol 1/2010- - D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-2013
Reviewed: 603 - 1-29-2014	
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2015
Updated: Lexipol 12/2016 -- D-17-001	Effective: 3-9-2017
Reviewed: 607 - 8-11-2017	
Reviewed: 7/2019 (600)	
Updated: Lexipol 10/2018	Effective: 7-26-2019
Review: Odd years	
Accreditation: OAA 2.2.4	

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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.

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 Newport Police Department should notify their supervisor, Shift Supervisor or Detective Section Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

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 Operations Lieutenant and the Chief of Police when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Cancelling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Operations Lieutenant

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:

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(a) There is confirmation that a child abduction has occurred.

(b) The child is under 18 years of age.

(c) The child may be in danger of serious bodily harm or death.

(d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.

(e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

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 Chief of Police, Shift Supervisor or Detectives Supervisor should consider whether to prepare a press release that includes all available information that might aid in locating the child, such as:

    (a) The child's identity, age, physical and clothing description, including any distinguishing characteristics.

    (b) Photograph, if available.

    (c) The location where the abduction occurred or where the child was last seen.

    (d) The suspect's identity, age, physical and clothing description, if known.

    (e) Pertinent vehicle license number and description, if known.

    (f) Detail regarding direction of travel and potential destinations, if known.

    (g) Contact information for the Chief of Police or other authorized individual to handle media liaison.

    (h) A telephone number for the public to call with leads or information.

(b) Information on the abducted child, suspect vehicle and suspect should be entered into the Law Enforcement Data System (LEDS) and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER

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Alert (AA) flags, must be entered into the NCIC system in order to trigger the resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.

(c) The Records Section will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert."

(d) The information in the press release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.

(e) Consideration should be given to whether to utilize the following resources:

(a) Federal Bureau of Investigation (FBI Local Office)

(b) 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.

334.5 ADOPTED / REVIEW / ACCREDITATION

Adopted: 4-22-09	Effective: 4-29-2009
Updated: Lexipol 6/2009 - D-09-008	Effective: 6-24-2009
Updated: Lexipol 6/2011 - D-11-007	Effective: 7-25-2011
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Review: Even Years	
Accreditation Standards: OAA 2.2.4	

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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.

336.2 POLICY

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

336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the [Department/Office] to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Newport 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):

1. Receiving and responding to all inquiries concerning sexual assault kits.
2. Providing any information the victim requests concerning sexual assault kits in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry unless doing so would interfere with the investigation. This information includes the location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases, and the estimated destruction date for the kit.
3. Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.
4. Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim's behalf.
5. Upon request, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

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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/office] 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 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 Administration Operations Lieutenant 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).

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(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).

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.

336.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-21-2011	Effective: 12-31-2011
Review:11-13-2015(600)	
Reviewed: 7/2019 (600)	
Updated: Lexipol 12/2016 -- D-17-001	Effective: 3-9-2017
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: Lexipol 1/2018 -- D-18-002	Effective: 3-3-2018
Update: Lexipol 10/2018 -- D-19-003	Effective: 7-26-2019
Update: Lexipol 10/2019	Effective: 2-12-2020
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Odd Years	
Accreditation Standards: 2.2.1, 2.2.11	

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Hate Crimes

338.1 POLICY

The Newport 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/office] 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/office] is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(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/office] receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

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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 DETECTIVE SECTION RESPONSIBILITIES

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

(a) Coordinating further investigation with the City Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

338.5 TRAINING

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

338.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-22-2009	Effective: 4-29-2009
Updated: Lexipol 1/2010 - D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2011 - D-11-007	Effective: 7-25-2011
Updated: 8-20-2012 - D-12-007	Effective: 8-20-2012
Reviewed: 1-27-2013	
Reviewed: 601 - 8-11-2017	
Updated: Lexipol 10/2019	Effective: 2-14-2020
Updated; Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Odd Years	
Accreditation Standards: OAA 2.2.6	

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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 Newport Police Department and are expected of all [department/office] members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this [department/office] or a member's supervisors.

340.2 POLICY

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

340.3 DIRECTIVES AND ORDERS

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

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/office] policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

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

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

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

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.

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/Office] 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/office] policies related to the use of force

(b) Sexual harassment or sexual misconduct

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(c) Discrimination against a person based on race, color, religion, sex, sexual orientation national origin, disability, or age

(d) A crime

(e) A violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410

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/office] 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/office] or City manuals.

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

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

340.5.2 ETHICS

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

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

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

(d) Acceptance of fees, gifts or money contrary to the rules of this [department/office] and/or laws of the state.

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

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

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

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

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by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

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/office].

(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/office].

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.

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/office].

(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/office] 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/office] property for personal use, personal gain, or any other improper or unauthorized use or purpose.

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(e) Using [department/office] 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/Office] within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the City 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/office] record, public record, book, paper or document.

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

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this [department/office] or subverts the good order, efficiency and discipline of this [department/office] 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/office] premises.

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2. At any work site, while on-duty or while in uniform, or while using any [department/office] 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/office] 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/office].

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.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this [department/office] 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/office].

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

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

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

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

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

340.5.10 SAFETY

(a) Failure to observe or violating [department/office] 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.

(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.

340.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-20-09	Effective: 5-27-2009

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Standards of Conduct

Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-2012
Updated: Lexipol 5/2015 — D-15-011	Effective: 10-31-2015
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Updated: Lexipol 8/2020 -- D-20-010	Effective: 8-20-2020
Review: Even Years	
Accreditation Standards: OAA 1.1.4, 1.4.5, 1.7.2	

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CJIS Security Disciplinary Policy

341.1 PURPOSE AND SCOPE

This policy is intended to outline the Newport Police Department's duty to protect the FBI CJI, and related systems, from physical and environmental damage.

341.2 POLICY

In support of the Department's mission of public service to the City of Newport citizens, the Department provides the needed technological resources needed by personnel to access FBI CJIS systems and information in support of the agency's mission. All Department personnel with access to FBI CJI, or any system with stored FBI CJI, have a duty to protect the system, and related systems, from physical and environmental damage, and are responsible for correct use, operation, care, and maintenance of the information. All technology equipment (computers, laptops, software, copiers, printers, terminals, MDTs, mobile devices, live scan devices, fingerprint scanners, software to include RMS/CAD, operating systems, etc.) used to process, store, and/or transmit FBI CJI is a privilege allowed by the Department, state CSO, and the FBI. To maintain the integrity and security of the Department's and FBI's CJIS systems and data, this computer use privilege requires adherence to relevant federal, state, and local laws, regulations, and contractual obligations. All existing laws and Department regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply to personal conduct.

Misuse of computing, networking, or information resources may result in temporary or permanent restriction of computing privileges up to employment termination. In some misuse situations, account privileges will be suspended to prevent ongoing misuse while under investigation. Additionally, misuse may be prosecuted under applicable statutes. All files are subject to search. Where follow-up actions against a person or agency after an information security incident involves legal action (either civil or criminal), the evidence shall be collected, retained, and presented to conform to the rules of evidence laid down in the relevant jurisdiction(s). Complaints alleging misuse of the Department's computing and network resources, and FBI CJIS systems and/or data, will be directed to the Lieutenant and Chief of Police.

341.3 EXAMPLES OF MISUSE WITH ACCESS TO FBI CJI

(a) Using someone else's login.

(b) Leaving computer logged in with your login credentials unlocked in a physically unsecure location.

(c) Allowing unauthorized person to access FBI CJI at any time for any reason. Unauthoirzed use of the FBI CJI systems is prohibited, and may be subject to criminal and/or civil penalties.

(d) Allowing remote access of Department-issued computer equipment to FBI CJIS systems and/or data without prior authorization by the Department.

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(e) Obtaining a computer account that you are not authorized to use.

(f) Obtaining a password for a computer account of another account owner.

(g) Using the Department's network to gain unauthorized access to FBI CJI.

(h) Knowingly performing an act that will interfere with the normal operation of FBI CJIS systems.

(i) Knowingly propagating a computer virus, Trojan horse, worm, and malware to circumvent data protection or compromising existing security holes to FBI CJIS systems.

(j) Violating terms of software and/or operating system licensing agreements or copyright laws.

(k) Duplicating licensed software, except for backup and archival purposes, that circumvent copyright laws for use in the Department, for home use, or for any customer or contractor.

(l) Deliberately wasting computing resources to include streaming audio, videos for personal use that interfere with the Department's network performance

(m) Using electronic mail or instant messaging to harass others.

(n) Masking the identify of an account or machine.

(o) Publicly posting materials that violate existing laws or the Department's code of conduct.

(p) Attempting to monitor or tamper with another user's electronic mail or files by reading, copying, changing, or deleting without explicit agreement of the owner.

(q) Using the Department's technology resources to advance unwelcome solicitation of a personal or sexual relationship while on duty, or through the use of official capacity.

(r) Unauthorized possession or loss of, or damage to, Department technology equipment with access to FBI CJI through unreasonable carelessness or maliciousness.

(s) Maintaining FBI CJI, or duplicate copies of official Department files, in either manual or electronic formats at his/her place of residence, or in other physically non-secure locations, without express permission.

(t) Using Department technology resources, and/or FBI CJIS systems, for personal or financial gain.

(u) Deliberately failing to promptly report any known technology-related misuse by another employee that may result in criminal prosecution or discipline under this policy.

(v) Using personally owned devices on the Department's network, to include personally owned thumb drives, CDs, mobile devices, tablets on wi-fi, etc. Personally owned devices should not store Department data, state date, or FBI CJI.

The above listing is not all-inclusive, and any suspected technology resource, FBI CJIS system, or FBI CJI misuse will be handled by the Department on a case by case basis. Activities will

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not be considered misuse when authorized by appropriate Department officials for security or performance testing.

341.4 PRIVACY POLICY

All agency personnel utilizing agency-issued resources funded by the Newport Police Department expressly acknowledge and agree that such service, whether for business or personal use, shall remove any expectation of privacy. Use of Department systems indicates consent to monitoring and recording. The Department reserves the right to access and audit any and all communications, including electronic and physical media at rest, in transit, and at end of life. Department personnel shall not store personal information with an expectation of personal privacy on devices that are under the control and management of the Newport Police Department.

341.5 PERSONAL USE OF AGENCY TECHNOLOGY

The computers, electronic media, and services provided by the Newport Police Department are primarily for business use to assist personnel in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable. All such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility, and to not abuse this privilege.

341.6 MISUSE NOTIFICATION

Due to the increase in the number of accidental or malicious computer attacks against both government and private agencies, the Newport Police Department shall:

(a) Establish an operational incident handling capability for all information systems with access to FBI CJIS systems and data. This includes adequate preparation, detection, analysis, containment, recovery, and user response activities.

(b) Track, document, and report incidents to appropriate agency officials and/or authorities.

Information Security Officers (ISO) have been identified as the point of contact on security-related issues for their respective agencies, and shall ensure Local Agency Security Officers (LASO) institute the CJIS Systems Agency (CSA) incident response reporting procedures at the local level. (See Policy 211, Incident Handling and Response Plan)

All Department personnel are responsible to report misuse of Department technology resources to appropriate Department officials.

Local Agency Security Officer (LASO): Jovita Ballentine; j.ballentine@newportpolice.net; 541-574-3348

State CJIS ISO: Nicholas Harris: nicholas.c.harris@state.or.us; 503-934-2335

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341.7 ADOPTION / REVIEW / ACCREDITATION

Adopted:3-23-2016 Effective:3-31-2016

Updated: 4-4-2019 Effective: 4-4-2019

Review:Annually

Accreditation Standards:OAA 1.5.8

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Information Technology Use

342.1 PURPOSE AND SCOPE

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

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 Newport Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

It is the policy of the Newport 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.

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

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 Shift Supervisors.

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.

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.

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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.

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

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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.

342.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-6-2007		Effective: 1-15-2008
Update: Lexipol 12/2008 - D-09-001		Effective: 3-2-2009
Update: Lexipol 1/2010 - D-10-001		Effective: 1-20-2010
Update: Lexipol 8/2015 — D-15-011		Effective: 10-31-2015
Review: As Needed		
Accreditation Standards: 1.5.9		

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Cellular Phones

343.1 PURPOSE AND SCOPE

The Newport Police Department recognizes that officers need a variety of types of communications to effectively conduct day-to-day business. To that end the Department issues cellular telephones to each member. It is the intent of the Department that these telephones are used primarily for conducting official police business.

343.2 PROCEDURE

343.2.1 ISSUED CELLULAR PHONES

The Department will issue the following employees or positions cellular telephones:

(a) All sworn officers

(b) Evidence Custodian

(c) Parking Enforcement Officer

(d) Community Service Officer

(e) Department Chaplain

343.2.2 USE OF THE CELLULAR TELEPHONE

Cellular phone usage, both incoming and outgoing calls, including text messaging, is intended to be used for Departmental business only. However, a minimal number of personal calls may be allowed in extenuating circumstances. The cellular telephone may be used as a tool for handling complaints on the street where either parents, friends or those involved in a complaint need to be contacted, and to also avoid having to return to the office when requested to contact individuals in reference to Departmental business.

343.2.3 PERSONAL USE WHILE ON DUTY

Personal calls may be allowed in limited instances of family emergencies, including but not limited to:

(a) Illness/injury

(b) Unanticipated changes in work schedule

(c) Emergency childcare issues

(d) Other emergencies as approved by the on-duty supervisor

Should personal use become an issue, the employee will be responsible for reimbursing the City for those calls.

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343.2.4 OFF-DUTY PERSONAL USE

Department assigned cellular phones shall not be used during off-duty times except when contacting the department or for bona fide law enforcement business.

343.2.5 ACCOUNTABILITY

Supervisors will be responsible for the use of the cellular phones assigned to their respective officers or employees.

343.2.6 GENERAL USE

Every call made from or received by a cellular phone carries with it a specific charge by the minute, even though there may be a certain number of minutes, which are "free". If the base pool of minutes are used then each minute logged thereafter is billed in addition to the normal monthly charge. Therefore, to minimize airtime costs, members shall adhere to the following guidelines:

(a) Directory assistance calls shall not be placed

(b) Calls will not be placed on hold--terminate the call if necessary

(c) Calls will not be sent calls while inside the Department or in the department parking lot

(d) While on duty and outside the Department, cellular phones shall be activated at all times unless the member is investigating an incident in which the phone ringing could create officer safety issues, or when attending meetings or in public places where the noise would be disruptive or annoying to others

(e) Officers shall not utilize the cellular telephone to communicate with dispatch unless out of radio range or the informational exchange is of a sensitive or confidential nature. Employees are to use the two-way radio capability whenever possible.

343.2.7 CELLULAR PHONE USE WHILE DRIVING

As of January 1, 2010, the use of cellular phones while driving is prohibited. There are several exemptions, which include:

(a) Operating a motor vehicle while providing public safety services or emergency services as a volunteer

(b) Operating a motor vehicle while acting in the scope of the person's employment as a public safety officer, as defined in ORS 348.270

(c) Using a hands-free device if age 18 years or older

Although Department members are exempt from the cellular phone use prohibition, members should not use the cellular phone when driving unless using a hands-free device. A positive example needs to be provided to the public. Department members shall not use personal cellular phones when driving.

A study on cellular phone-related vehicle crashes revealed that those using cellular phones while driving were four times more likely to have a crash than those not using phones. Moreover, the study showed that the risk remained the same regardless of whether the cellular phone was

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"hands-free" or "hand-held." As a result of the study findings, and the necessity to reduce employer liability, cellular phone use while driving is discouraged.

If possible, pull off the roadway and stop before using the cellular phone.

343.2.8 OPERATION OF THE CELLULAR TELEPHONE
Department members are responsible for the proper care of the cellular phone and accessories issued to them. The member will insure that the cellular phone remains in serviceable condition at all times.

Users should inform the caller that they are either clear to talk, need to relocate or to standby.

Users must always remember that when they are in a public place or in a private meeting that inappropriate conversation may jeopardize embarrass or reflect poorly on the professionalism of the Newport Police Department.

343.2.9 BILLING AND ACCOUNTABILITY
Every member is responsible for their assigned cellular phone.

Each cellular phone bill may be reviewed. If personal calls are made, the member may have to pay for the times used in addition to any long distance/roaming fees. Reimbursement for personal cell phone calls will be at the contracted rate per minute.

The department is provided with an itemized bill for each month for each cellular phone's history. As needed, the Chief of Police will forward copies of the bill to supervisors for review.

Supervisors are responsible for auditing their group's cellular phone bills for compliance with this order. Reimbursement for personal calls will be forwarded to the office of the Chief of Police and payments collected will be forwarded to the City's finance department.

If it is determined cellular phone use is not in compliance with this order, the involved member(s) may have cellular privileges revoked and/or face disciplinary action.

When cellular phone costs exceed the department's budget allocation, cellular phone usage may be suspended or restricted.

The Chief of Police will annually review all cellular phone assignments to determine if continued issuance of the equipment is justified.

If the cellular phone becomes lost, stolen, or damaged, the incident shall be reported to the member's immediate supervisor.

Without undue delay, members shall contact the contracted cellular phone company and cancel the phone number for phones that are lost or stolen.

343.3 PERSONAL CELLULAR PHONES
Personal use of personally owned cellular phones while on-duty is generally discouraged.

Excessive personal use may lead to the termination of approval for on-duty use.

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Cellular Phones

Officers will have personally-owned cellular phones turned off when answering service calls or during investigations.

The department will not provide repair or replacement should the personally owned cellular phone be lost, stolen, or damaged.

343.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-8-04	Effective: 2-2-05
Updated: 9-1-10	Effective: 9-15-10
Review: Odd Years	
Accreditation Standards: None	

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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

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.

344.1.2 CONFIDENTIAL REPORTS

On occasion, there are instances that an investigation is sensitive and should not be placed in the Records Management System. With the approval of a supervisor, an officer should obtain a case number from WVCC. The main page of the report should be submitted with generic information as an active case. All narrative reports should be prepared in hard copy form only. The pages should be marked 'Confidential' and the case file be kept secure with the Operations Lieutenant.

When the investigation is completed a determination should be made if the person information, and other details for IBERS, be added to the Records Management System. The location of the case file should either be placed in the Records file system, or remain secure in an appropriate location. The Chief of Police, lead RMS Records Clerk and Operations Lieutenant will make these determinations.

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.

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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

(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).This can be done by entering information into the CAD screen.

344.2.2 NON-CRIMINAL ACTIVITY

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

(a) Any time an officer points a firearm at any person

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

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

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

(e) Any found property or found evidence

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

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

(h) All protective custody detentions

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

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

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

(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.

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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.

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 NON-NARRATIVE REPORTS

There are certain times when a CR1 level report is required but the full narrative statement is not . These types of reports may have the narrative of the event documented within the summary filed of the CR1.

These types of reports include:

(a) A hit and run vehicle collision when the reporting party is requesting a case number for insurance purposes only. There must be no suspect or investigative leads for this to a non-narrative report.

(b) Found property with no suspicious circumstances associated with the property.

(c) A vehicle car clout without suspect(s) or investigative leads. (Damage and stolen property must still be logged)

(d) Trespass warning letter issued to a person.

(e) Lost property reports.

(f) K9 Deployment (for statistical purposes)

(g) A criminal mischief report with no suspect(s) or investigative leads. (e.g.. graffiti)

All other types of non-narrative reports must be approved by a supervisor. Supervisors are responsible for ensuring non-narrative reports are being completed per policy during the review /approval phase.

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344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should send the report back to the submitting officers for corrections. Supervisors should state the reasons for rejection. 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 Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

344.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008	Effective: 10-22-2008
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Updated: Lexipol 8/2015 — D-15-011	Effective: 10-31-2015
Updated: 4/2020	Effective: 5/7/2020
Review: Even Years	
Accreditation Standards: 2.2.10	

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CJIS Security Addendum

345.1 PURPOSE AND SCOPE

The purpose of this policy is to augment the CJIS Security Policy to ensure adequate security is provided form criminal justice systems while (1) under the control or management of a private entity, or (2) connectivity to FBI CJIS Systems has been provided to a private entity (contractor). Adequate security is defined in Office of Management and Budget Circular A-130 as "security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to, or modification of, information".

The intent of this Security Addendum is to require that the Contractor maintain a security program consistent with federal and state laws, regulations, and standards (including the CJIS Security Policy in effect when the contract is executed), as well as with policies and standards established by the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB).

345.2 POLICY

This Security Addendum identifies the duties and responsibilities with respect to the installation and maintenance of adequate internal controls within the contractual relationship so that the security and integrity of the FBI's information resources are not compromised. The security program shall include consideration of personnel security, site security, system security, data security, and technical security.

The provisions of this Security Addendum apply to all personnel, systems, networks, and support facilities supporting and/or acting on behalf of the government agency.

345.3 DEFINITIONS

Contracting Government Agency (CGA): the government agency, whether a Criminal Justice Agency or a Noncriminal Justice Agency, that enters into agreement with a private contractor subject to this Security Addendum.

Contractor: a private business, organization or individual that has entered into an agreement for the administration of criminal justice with a Criminal Justice Agency, or a Noncriminal Justice Agency.

345.4 RESPONSIBILITIES OF THE CONTRACTING GOVERNMENT AGENCY

The CGA will ensure that each Contractor employee receives a copy of the Security Addendum, and the CJIS Security Policy, and executes an acknowledgement of such receipt, and of the contents of the Security Addendum. The signed acknowledgements shall remain in the possession of the CGA, and be available for audit purposes. The acknowledgement may be signed by hand, or via digital signature.

345.5 RESPONSIBILITIES OF THE CONTRACTOR

The Contractor will maintain a security program consistent with federal and state laws, regulations, and standards (including the CJIS Security Policy in effect when the contract is executed, and all

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subsequent versions), as well as with policies and standards established by the Criminal Justice Information Services (CJIS) Advisory Policy Board (APD).

345.6 SECURITY VIOLATIONS

(a) The CGA must report security violation to the CJIS System Officer (CSO), and the Director, FBI, along with indications of actions taken by the CGA and Contractor.

(b) Security violation can justify termination of the appended agreement.

(c) Upon notification, the FBI reserves the right to:

1. Investigate or decline to investigate any report of unauthorized use;
2. Suspend or terminate access and services, including telecommunications links. The FBI will provide the CSO with timely written notice of the suspension. Access and services will be reinstated only after satisfactory assurances have been provided to the FBI by the CJA and Contractor. Upon termination, the Contractor and services will be reinstated only after satisfactory assurances have been provided to the FBI by the CJA and Contractor. Upon termination, the Contractor's records containing CHRI must be deleted, or returned to the CGA.

345.7 AUDIT

The FBI is authorized to perform a final audit of the Contractor's systems after termination of the Security Addendum.

345.8 SCOPE AND AUTHORITY

(a) This Security Addendum does not confer, grant, or authorize any rights, privileges, or obligations on any persons other than the Contractor, CGA, CJA (where applicable), CSA, and FBI.

(b) The following documents are incorporated by reference, and made part of this Agreement:

1. The Security Addendum;
2. The NCIC 2000 Operating Manual;
3. The CJIS Security Policy; and
4. Title 28, Code of Federal Regulations, Part 20. The parties are also subject to applicable federal and state laws and regulations.

(c) The terms set forth in this document do not constitute the sole understanding by and between the parties hereto; rather they augment the provision of the CJIS Security Policy to provide a minimum basis for the security of the system and contained information. It is understood that there may be terms and conditions of the appended Agreement that impose more stringent requirements upon the Contractor.

(d) This Security Addendum may be modified only by the FBI, and may not be modified by the parties to the appended Agreement without the consent of the FBI.

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(e) All notices and correspondence shall be forwarded by First Class mail to:

Assistant Director
Criminal Justice Information Center, FBI
1000 Custer Hollow Road
Clarksburg, West Virgiania 26306

345.9 CERTIFICATION

I hereby certify that I am familiar with the contents of (1) the Security Addendum, including its legal authority and purpose; (2) the NCIC Operating Manual; (3) the CJIS Security Policy; and (4) Title 28, Code of Federal Regulations, Part 20, and agree to be bound by their provisions.

I recognize that criminal history record information and related data, by its very nature, is sensitive and has potential for great harm if misused. I acknowledge that access to criminal history record information and related data is therefore limited to the purpose(s) for which a government agency has entered into the contract incorporating this Security Addendum. I understand that misuse of the system by, among other things: accessing to without authorization; accessing it by exceeding authorization; accessing it from an improper purpose; using, disseminating, or re-disseminating, the information received for another purpose other than execution of the contract also constitutes misuse. I further understand that the occurrence of misuse does not depend upon whether or not I receive additional compensation for such authorized activity. Such exposure for misuse includes, but is not limited to, suspension or loss of employment and prosecution for state and federal crimes.

_____ _____

Printed Name/Signature of Contractor Employee Date

_____ _____

Printed Name/Signature of Contractor Representative Date

_____ _____

Organization and Title of Contractor Representative Date

345.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: D-16-002 - 3-23-2016 Effective: 3-31-2016

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CJIS Security Addendum

Review: Annually

Accreditation Standards: OAA 1.5.8

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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.

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, Operations Lieutenants, Shift Supervisors and Chief of Police or designee(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.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the department Chief of Police or designee 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 Shift Supervisor. 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 Chief of Police or designee.

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 Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. 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

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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 Shift Supervisor.

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 Shift Supervisor. 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 Shift Supervisor. 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.

346.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-16-07	Effective: 1-15-08
Updated: Lexipol 6/2009 - D-09-008	Effective: 6-24-09
Updated: Lexipol 6/2010 - D-10-004	Effective: 7-15-10
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-11
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2016
Review: As Needed	

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Media Relations

Accreditation: OAA 1.9.1	

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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 Newport Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

Newport 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)).

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.

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(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Newport Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Newport 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.

348.5 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:

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

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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.

348.7 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.

348.8 ADOPTED / REVIEW / ACCREDITATION

Adopted: 4-24-2008	Effective: 5-10-2008
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 8/2015 — D-15-011	Effective: 11-14-2015
Review: As Needed	
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Reserve Officers

350.1 PURPOSE AND SCOPE

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

350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS

The Newport Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department. The minimum criteria for selection and appointment of reserve officers shall be the same as is required of regular full-time police officers.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Upon appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a basic reserve academy within 18 months of the date of appointment.

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

350.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the City Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol

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Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

350.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS

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

Reserve officer participation is required at the following functions which take precedence over any other patrol duties, unless prior approval of absence is obtained from the Reserve Coordinator:

- Regular reserve meetings
- Loyalty Days Celebration
- Seafood and Wine Festival
- July 4th patrol
- New Years Eve patrol

350.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to the following:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

350.3.4 MANDATORY MINIMUM HOURS

All personnel appointed as a reserve officer shall perform a . At least sixteen (16) of the 20 hours shall be worked in a patrol duty assignment. Service must consist of approved activity in association with the Newport Police Department or related functions.

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Any deviation below the 20 hour minimum monthly requirement must be by prior arrangement with the approval of the Reserve Coordinator. Circumstances such as extended absences, illnesses, or other such matters that may prevent reserve personnel from participating in scheduled activities. When such absences are expected to occur, a written request must be submitted to the Reserve Coordinator who will determine if such absences are found to be excused, and approve or deny the deviation of the minimum monthly hours requirement.

Failure to meet minimum monthly hours:

(a) Any Level I reserve officer who fails to meet the minimum required hours without prior approval is subject to termination from the Reserve Officer Unit.

(b) Reserve officers who fail to meet the minimum required hours during any month without prior approval shall be placed on a three (3) month probationary period

(c) Any reserve officer who fails to meet the minimum required hours without prior approval on three (3) occasions within a twelve (12) month period, is subject to termination from the Reserve Officer Unit.

350.4 FIELD TRAINING

The field training program shall consist of the completion of three training phases to be completed under the supervision of a Primary Training Officer, with the assistance of other training officers, as assigned by the department. During the field training period the reserve officer must complete the standard DPSST Field Training Manual as described in Policy Manual § 350.4.3.

350.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Shift Supervisor approval.

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

350.4.3 FIELD TRAINING MANUAL

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

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350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

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

350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Shift Supervisor.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

350.5 SUPERVISION OF RESERVE OFFICERS

Level II reserve officer should be under the immediate supervision of a regular sworn officer. Although a reserve officer may have attained the status of a Level II reserve officer, these provisions shall continue to apply unless special authorization is received which relieves the immediate supervision requirement.

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350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers certified as Level II may, with prior authorization of the Reserve Coordinator and on approval of the Operations Lieutenant, be relieved of the "immediate supervision" requirement. Level II reserve officers may function under this authorization only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Operations Lieutenant, the Shift Supervisor may assign a certified Level II reserve officer to function as above for specific purposes and duration.

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

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

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

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

Reserve officers are considered at-will employees.

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

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

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

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350.6.1 CARRYING WEAPON ON DUTY
It is the policy of this department to allow level II or III reserve officers to carry firearms only while on duty or to and from duty.

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

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

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

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

350.6.4 RESERVE OFFICER FIREARM TRAINING
All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify at the regularly scheduled Department firearms training sessions

(b) Reserve officers may fire at the department approved range once each month and more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

350.8 RESERVE LEVELS
Reserve officers become eligible to perform at different levels in the organization based on their training and experience. All reserve officers begin at Level I. The training and experience required for each level and the types of duties each is eligible to perform are listed below:

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350.8.1 LEVEL I - RECRUIT RESERVE OFFICER

Level I Reserves are newly appointed and are beginning their training. They do not wear a police uniform and are not permitted to carry weapons. Level I Reserves may ride with regular officers on patrol wearing civilian clothes. They perform no law enforcement functions.

350.8.2 LEVEL II - RESERVE OFFICER

(a) Requirements:

  (a) Level II Reserves have successfully completed the Reserve Academy including qualification with duty weapons, defensive tactics, use of force, criminal law and traffic code.

  (b) They must have also completed 250 hours of service and at least one (1) year of membership.

  (c) Approval of the Reserve Staff and two patrol supervisors

  (d) Will not remain in Level II for a period of more than two (2) years or can be terminated.

(b) Duties and Responsibilities:

  (a) Level II reserves may perform their duties in uniform, carry weapons and perform law enforcement functions under the direct supervision of a Training Officer.

  (b) They may work special details alone when assigned.

  (c) With six (6) months driving experience in patrol and a minimum of 50 hours of driving with another officer, they may e evaluated by one patrol supervisor and one FTO as to ability to drive on special details.

  (d) May ride with a Level III or higher reserve officer or a regular officer

  (e) Perform such functions as assigned and may take a two-person reserve car for special functions, with a Level II or higher reserve officer, as approved by the shift supervisor

  (f) Continue to train and work on completion of the DPSST FTO Manual

350.8.3 LEVEL III - RESERVE OFFICER

(a) Requirements:

  (a) 500 hours and a minimum of two (2) years of experience

  (b) Satisfactory completion of Level II requirements and approve of the Reserve staff and two patrol supervisors

  (c) Completion of the DPSST field manual

(b) Duties and Responsibilities:

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(a) May drive solo on special assignments

(b) May engage in special solo vehicle patrol duties as directed by the shift supervisor

(c) May work a two-person reserve unit and district assignment with another reserve officer of Level II or higher

(d) Assist in training other reserve officers

350.8.4 LEVEL IV - RESERVE OFFICER (SOLO)

(a) Requirements:

(a) 1000 hours and three (3) years minimum time

(b) Satisfactory completion of Level III requirements and an evaluation of knowledge and proficiency by reserve staff and two patrol supervisors

(c) Approval of the Chief of Police

(b) Duties and Responsibilities:

(a) Solo patrol operation

(b) Assume authority and responsibility of a regular officer while on duty

(c) Assigned duties of any kind, independent of direct supervision

(d) Continue to maintain minimum participation and retain a level of training similar to that of a regular officer

(e) Assist in training other reserve officers

(f) Contribute at least 24 hours of volunteer time per month, with at least 12 hours in patrol

350.9 TWO PERSON RESERVE OFFICER PATROL

The reserve officers' primary function is to handle low priority law enforcement related calls, prisoner transport, vacation checks, business checks and other assigned duties as directed by the shift supervisor. This policy will insure a uniform approach as to what calls for service a two-person reserve officer unit will and will not respond to.

350.9.1 CALLS THAT MAY BE HANDLED BY RESERVES

Generally, reserve officers may respond as the primary unit to these approved calls, unless otherwise directed by a supervisor:

Criminal Mischief	Parking Violations
Abandoned Vehicles	Prowlers
Noise Complaints	Loose livestock
Suspicious persons / incidents	Traffic Control

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Runaways	Traffic Enforcement
Missing property	Bike helmet violations
Found property	Subpoena service
Handicap parking violations	Fireworks complaints
Bar checks	Animal complaints
Audible alarms	Thefts
9-1-1 hang-ups	Warrant service
Silent alarms	No-suspect burglaries
Civil complaints	Neighborhood disputes
Non-reportable vehicle crashes	Vehicle impounds

350.9.2 CALLS NOT TO BE HANDLED BY RESERVES

Generally, reserve officers shall not act as a primary investigating officer on cases that require extensive follow-up or cases that have known suspects, or where an arrest is anticipated, such as the following:

Arson	Assault
Robbery / duress alarms	Narcotics / drugs
Reportable vehicle crashes	Burglaries with suspects
Domestic assaults	Rape / Sex abuse
Embezzlement	Reckless endangerment
Escape	Robbery
Gambling	Death investigations
Game violations	Suicide
Hit and Run	Trespass
Homicides	Weapons cases
Liquor violations	Any call with suspect in custody

In the event a reserve officers becomes involved with one of the above due to self-initiated activity, the reserve officer will immediately notify an on-duty officer to respond.

350.9.3 ON-DUTY SCHEDULE OF TWO-PERSON RESERVE TEAM

(a) When the reserve officers come on shift, they will contact the shift supervisor for vehicle and district assignments

(b) All reports and citations completed by the reserve officers will be submitted and approved by the shift supervisor .

(c) A two-person reserve unit may be utilized, at the direction of the shift supervisor, as backup to patrol or traffic officers when assistance is required and for traffic control as needed

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(d) Reserve officers will operate an emergency vehicle in a safe manner at all times. Under no circumstances will a reserve unit respond to any dispatched call or call for cover in a Code-3 manner, unless specifically directed to do so by a supervisor. If a reserve unit initiates a vehicular pursuit, a supervisor will be notified immediately and the pursuit will be relinquished to a full-time officer or outside agency as soon as possible. The reserve unit, under these circumstances, may then assist as necessary

(e) Prior to taking a suspect into custody, or issuing a criminal citation to appear, reserve officers shall contact a full-time officer to verify that probably cause for the arrests exists

350.10 MONTHLY TIME REPORT

The "Volunteer Monthly Time Report" form shall be completed by each reserve officer on a monthly basis to provide documentation regarding their specific hours of activity.

350.10.1 DEFINITION OF HOURS WORKED

(a) : Any hours worked with a patrol officer, two-person reserve unit, or an assignment that is patrol related

(b) : Any hours that are for reserve, Department or other related training which are approved by the Reserve Coordinator. (This does not include reserve general business meetings unless specifically for training)

(c) : Any hours that are for general meetings, presentations, home security surveys, crime prevention booths, bicycle rodeos, etc.

350.10.2 COMPLETION INSTRUCTIONS

The Volunteer Monthly Time Report form shall be legibly and accurately completed by each reserve officer and submitted to the Reserve Coordinator or designee no later than the fifth (5th) day of the following month. (i.e.: the time report for June would be due no later than July 5th).

350.10.3 DISPOSITION OF MONTHLY TIME REPORTS

The Reserve Coordinator of designee will consolidate the time reports from all reserve officers and submit a Monthly Consolidation Report to the Chief of Police for his review by the 10th of the month. A copy will also be retained in the Reserve file.

350.11 RESERVE MEETINGS

General business meetings will be held on a regular basis, usually once a month. Meetings shall be documented by an appointed recorder to provide a written record that will accurately reflect the topics of discussion and information provided.

(a) At the beginning of each meeting a recorder will be appointed from the personnel in attendance. The appointment may be based on an individual volunteer or, in the absence of such, may be assigned on a rotating basis.

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(b) The beginning of the minutes will contain the date, location, beginning time of the meeting and the names of all attending personnel.

(c) The core of the minutes will be listed by topic in their respective order of discussion, followed by a brief yet accurate narrative of the subject matter and, if applicable, a disposition.

(d) The ending of the minutes will indicate the time of adjournment, and the date, time and location of the next scheduled meeting.

(e) : The recorder shall prepare a typed copy of the minutes and submit them to the Reserve Coordinator within ten (10) days of the meeting. After reviewing the minutes for completeness and appropriate format, the Reserve Coordinator shall return the minutes to the recorder for corrections, if any, or authorize distribution of the minutes to reserve officer, Department supervisors and the Chief of Police.

350.12 ADOPTION / REVIEW / ACCREDITATION

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Mutual Aid and Outside Agency Assistance

351.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

351.1.1 LINCOLN COUNTY MUTUAL AID AGREEMENT

The Department is a signer on the Lincoln County Mutual Aid Agreement. Department members should be familiar with the current agreement. A copy is available in the Executive Assistant to the Chief's office.

351.2 POLICY

It is the policy of the Newport Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

351.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

351.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Newport Police Department shall notify his/her supervisor or the Shift Supervisor and WVCC as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

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351.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

351.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

351.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Operations Lieutenant or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to WVCC and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Operations Lieutenant should maintain documentation that the appropriate members have received the required training.

351.7 ADOPTION / REVIEW / ACCREDITATION

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Registered Offender Information

355.1 PURPOSE AND SCOPE

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

355.2 POLICY

It is the policy of the Newport 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.

355.3 REGISTRATION

The Detective Section Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process (OAR 257-070-0100).

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Oregon State Police in accordance with ORS 163A.035 and OAR 257-070-0100.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

355.3.1 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.

355.4 MONITORING OF REGISTERED OFFENDERS

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

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

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(b) Review of information on the State of Oregon Sex Offender Inquiry System.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to Oregon State Police.

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

355.5 DISSEMINATION OF PUBLIC INFORMATION

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

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

The Operations Lieutenant 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).

355.5.1 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.

355.6 ADOPTION / REVIEW / ACCREDITATION

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Registered Offender Information

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Review: As Needed	
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Major Incident Notification

357.1 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.

357.2 POLICY

The Newport 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.

357.3 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 Operations Lieutenant. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to an employee on- or off-duty
- Death of a prominent official
- Arrest of department employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other event likely to attract media attention

357.4 SHIFT SUPERVISOR RESPONSIBILITY

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

357.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the Operations Lieutenant.

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357.4.2 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.

357.4.3 MAJOR CRASH TEAM NOTIFICATION
In the event of a traffic fatality or major injury, the Major Crash Team shall be notified.

357.4.4 CHIEF OF POLICE OR DESIGNEE (PIO)
The Chief of Police or designee shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

357.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-16-2007	Effective: 1-15-2008
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Review: As Needed	
Accreditation: None	

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Death Investigation

359.1 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.

359.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

359.2.1 MEDICAL EXAMINER NOTIFICATION

Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death:

(a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances

(b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents

(c) Occurring while incarcerated in any jail, correction facility, or in police custody

(d) Apparently accidental or following an injury

(e) By disease, injury or toxic agent during or arising from employment

(f) While not under the care of a physician during the period immediately previous to death

(g) Related to disease which might constitute a threat to the public health

(h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community

The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner, medical-legal death investigator or the District Attorney (ORS 146.103).

A Medical Examiner, medical-legal death investigator or District Attorney, in conjunction with the Newport Police Department and/or the county Major Crime Team, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death (ORS 146.103).

The members of the Newport Police Department will work cooperatively with both the Medical Examiner’s Office and the District Attorney in all death investigations.

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359.2.2 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.

359.2.3 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.

359.2.4 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.

359.2.5 SUSPECTED HOMICIDE

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

359.2.6 RELEASE OF BODY

The body may be released to the mortuary once approval has been received from the Medical Examiner and the District Attorney's Office.

359.3 MEDICATIONS

(a) Any illegal substances / paraphernalia found at the scene must be inventoried and taken into evidence. A copy of the inventory should be sent with the body.

(b) Any prescribed controlled substance known to have potential for abuse must be inventoried, packaged and sealed, including unmarked pill bottles and pill boxes.

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The package shall be deposited in the ME lock box located at the Newport Police Department. The following are some of the medications for the lock box:

Chemical / Drug Name	Common Brand Name
Alphaprodine	Nisentyl
Anileridine	Leritine
Codine	Tylenol #2, 3, 4, many cough syrups
Fentanyl	Duragesic Patch, Actiq, (comes in lollipop), Sublimaze, Innovar
Hydrocodone	Vicodin, Norco
Hydromorphone	Dilaudid
Methadone	Dolophine, Amidone, Methadose
Morphine	MS Contin, Avinza, Kadian, Roxanol, Oramorth, RMS, MSIR
Oxycodone	Percocet, Percodan, Oxycotin, Endocet, Roxicet, Roxicodone
Oxymorphone	Opana, Numorphan
Propoxyphine	Darvon, Darvocet
Pentaxocine	Talwin

(c) All other prescription and relevant non-prescription medications may be left at the scene, or upon request, sealed in an evidence bag and submitted to the Property Section for destruction.

359.4 FINGERPRINTING

The investigating officer shall conduct a criminal history check of the deceased. If the officer determines that the deceased has a prior criminal history, they will make arrangements for fingerprints of the deceased to be taken at the funeral home. The fingerprints will be forwarded with a copy of the report to the Oregon State Police Identification Bureau.

359.5 DEATH INVESTIGATION REPORTING

The following reports shall be completed on all death investigations.

(a) CRIMES Report

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(b) Medical Examiner Form. Note: Fill in all of the blanks on the form. If unable to provide the information, advise why and who has been asked. The Medical Examiner Form shall be sent to the ME by Fax within 24 hours of the report of death.

359.6 ADOPTED / REVIEW / ACCREDITATION

Adopted: 11-7-2007	Effective: 12-3-2007
Update: Lexipol 1/2008 - D-08-007	Effective: 4-13-2008
Update: Lexipol 6/2009 - D-09-008	Effective: 6-30-2009
Reviewed: 4-2-2013	
Update: 10-14-2015 -- D-15-011	Effective: 10-31-2015
Reviewed: 602 - 8-11-2017	
Updated: Lexipol 1/2018 -- D-18-002	Effective: 3-3-2018
Review: Odd Years	
Accreditation: None	

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Pharmaceutical Disposal Program

360.1 PURPOSE AND SCOPE

The City of Newport Pharmaceutical Disposal Program is a public service offering the citizens of Newport a convenient method to properly dispose of expired or unwanted pharmaceuticals through our participating local law enforcement agency. The Pharmaceutical Disposal Program is designed to offer an environmentally correct alternative to flushing pills or medicinal liquids into the wastewater stream or placing them in municipal landfills. Simultaneously, the program addresses law enforcement issues centered on the dangerous, recreational use of pharmaceuticals by our youth. The program also addresses public health and safety concerns by reducing avoidable poisonings from the unintentional use of wrong or expired prescriptions by people of all ages. The program operates year round and legally accepts all prescribed medications, including those defined as controlled substances.

360.1.1 DEPOSIT VERIFICATION

This is a voluntary, anonymous disposal program for the public. Department members will not verify any disposal made, nor make any report documenting a disposal by a member of the public.

360.2 DUTIES AND RESPONSIBILITIES

The responsibility of the Newport Police Department is to maintain the Pharmaceutical Disposal Collection Box, to remove the contents periodically, and to dispose of the materials. Due to controlled substances being deposited for disposal, it is critical to maintain security and control on these materials up to the point of destruction.

(a) The collection box shall be opened and inspected once a week. If more frequent inspections are required due to the amounts of materials being deposited, such inspection shall be performed.

(b) The Evidence Custodian, or in his/her absence, any on-duty police officer will be designated by the Chief of Police or his designee to perform these inspections, remove the contents, replacement of the collection receptacle, and place the container of pharmaceuticals for disposal into the Property and Evidence room of the Department.

(c) The key to the collection box shall be retained in a locked key box located in the Evidence room. The Chief of Police will also maintain a key for emergency access to the collection box. The key will be kept in a sealed envelope in the Department safe.

(d) The Evidence Custodian shall be responsible to retrieve and return the key to this collection box.

(e) The pharmaceutical materials to be disposed of shall be sealed in a cardboard box double lined with plastic trash liners. The liners will be zip-tied at the top. A line will be drawn thru the zip-tie and initialed by both parties. The bag will be placed in a cardboard box and secured with evidence tape, also initialed by both parties.

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(f) The member performing the collection shall then replace the collected cardboard box with a new one lined with a plastic liner type bag and secure the collection box.

(g) The member performing the collection shall document in the Pharmaceutical Drop Off Log that one box of unknown pharmaceuticals was collected, noting the date, witness name, location of box, and weight of box. Place the box into the property and evidence room to be held for destruction per current policy governing destruction of abandoned property.

(h) When the box(es) of collected pharmaceuticals is (are) destroyed, a case number will be obtained, and a non-narrative report written to document that the box was destroyed.

360.3 SAFETY INFORMATION AND REQUIREMENTS

(a) Zip lock type bags will be available at the drop box for the public to place items into.

(b) If spillage of items occurs inside the collection box that missed the cardboard box, the employees managing the retrieval of the box shall ensure those materials are placed in the cardboard box.

(c) Should any unpackaged syringes be found, they should be disposed of in a Sharp's container.

(d) Should a spill of any materials occur, a clean up "kit" may be provided to members of the public who spilled the material.

(e) Should a member of the public be unable to clean a spill they create, then the Department shall ensure that the area of the collection box or the box itself is cleaned of any spills. Note: Any items used for clean-up of a liquid or powder spill should be considered contaminated, and disposed of with the pharmaceuticals in the cardboard box with plastic liner.

360.3.1 CLEAN-UP PROCEDURE

- Keep away from mouth, nose, eyes and skin (do not touch any spill with bare hands)
- Keep all people away from spill except those performing clean-up.
- Contain the spill to prevent spreading
- Put on impervious gloves
- Wear an N-95 type mask while cleaning up the spill
- Wipe up liquids with dry paper towels
- Wipe up powders with wet paper towels; do not generate dust
- Clean the inside of the collection receptacle with damp paper towels if necessary

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- Place the gloves and paper towels into the cardboard box with plastic liner for disposal
- Wash hands after clean-up is complete

360.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-30-10	Effective: 9-15-10
Update: 12-21-10 -- D-10-008	Effective: 12-22-10
Review: Odd years	
Accreditation Standards: None	

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Identity Theft

361.1 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 defraud, obtains, possesses, transfers, creates, utters, or converts to the person's own use the personal identification of another individual (165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

361.2 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:

  (a) For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency, or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service, and DMV) with all known report numbers.

(e) Following supervisory review and Departmental processing, the initial report should be forwarded to the appropriate detective for follow-up investigation, coordination with other agencies, and prosecution as circumstances dictate.

361.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 6-3-09	Effective: 6-10-09
Review: Odd years	
Accreditation Standards: None	

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Limited English Proficiency Services

367.1 PURPOSE AND SCOPE

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

367.1.1 DEFINITIONS

Definitions related to this policy include:

- A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

- 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.

- 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.

- A member of the Newport 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.

- The replacement of written text from one language (source language) into an equivalent written text (target language).

367.2 POLICY

It is the policy of the Newport 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.

367.3 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 Operations Lieutenant or the authorized designee.

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

(a) Coordinating and implementing all aspects of the Newport Police Department's LEP services to LEP individuals.

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(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 Shift Supervisor and Communications Manager. The list should include information regarding the following:

  (a) Languages spoken

  (b) Contact information

  (c) 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.

367.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

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(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.

367.5 TYPES OF LEP ASSISTANCE AVAILABLE

Newport 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.

367.6 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.

367.7 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.

367.7.1 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.

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.

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367.8 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.

367.8.1 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.

367.8.2 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.

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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.

367.9 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.

367.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

367.10.1 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 WVCC, 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.

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

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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.

367.11 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.

367.12 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 warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated 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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367.13 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. 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.

367.13.1 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).

367.14 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.

367.15 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.

367.16 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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367.17 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 Operations Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Operations Lieutenant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

367.17.1 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 Operations Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

367.18 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-09	Effective: 7-29-09
Updated: Lexipol 12/2011 D-11-014	Effective: 12-31-11
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-13
Review: As Needed	
Accreditation Standards: None	

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Communications with Persons with Disabilities

369.1 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.

369.1.1 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.

369.2 POLICY

It is the policy of the Newport 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.

369.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

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

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

(a) Working with the City ADA coordinator regarding the Newport Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

369.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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369.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Newport 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.

369.6 TYPES OF ASSISTANCE AVAILABLE

Newport Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

369.7 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.

369.8 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).

369.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

369.10 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.

369.11 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.

369.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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369.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

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

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

369.13.1 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.

369.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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

369.14.1 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).

369.15 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.

369.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

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369.17 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.

369.18 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 Operations Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Operations Lieutenant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

369.19 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-2009	Effective: 7-29-2009
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-2013
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2016
Review: As Needed	
Accreditation Standards: OAA 2.2.4	

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Community Service Officer

370.1 PURPOSE AND SCOPE

To establish the authority, responsibilities, limitations and requirements of the position of civilian Community Service Officer (CSO).

It shall be the policy of the Newport Police Department to employ specially selected and trained civilian personnel who will enhance the Department's response to the community by handling certain ordinance violation investigations and responding to specific types of calls for service.

370.2 POSITION

Community Services Officers are civilian, non-sworn employees of the Newport Police Department who respond to non-emergency calls for service in order to allow sworn police officers more time for enforcement, problem solving, and crime prevention activities. CSOs shall operate by, and adhere to, all applicable regulations, City/Department Policies and Procedures, job description of position, and any applicable sections of the Department's written directive system.

370.3 AUTHORITY

CSOs are not certified law enforcement officers and are not assigned to duties requiring sworn officer status; therefore they are prohibited from making any form of physical arrest, carrying a firearm, or responding to any call of an emergency status.

CSOs are empowered to perform ordinance violation investigations to include the issuance of citations for such violations. The CSO may also enforce parking regulations and issue parking citations for violations observed.

CSOs are authorized to respond to calls for service as specified under Call Response, and to perform follow-up investigations concerning those calls to the point of identification of a probable suspect.

370.4 DUTIES

The CSO will share his/her time between the enforcement of general Municipal Code violations and handling calls for service related to law enforcement. Code enforcement will take priority over handling general calls for service, unless directed otherwise by a supervisor.

370.4.1 MUNICIPAL CODE ENFORCEMENT

The CSO duties will include detecting and responding to complaints of violations of the City Nuisance Ordinance. Violations will be documented by reports and photographs. The CSO will work toward obtaining voluntary compliance with the violator. If necessary, the CSO will issue citations and/or initiation the formal nuisance abatement process to correct the violation.

The CSO may also assist the City Code Enforcement officer with zoning violation investigations as needed.

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370.4.2 CALL RESPONSES

CSO duties may also include responding as the primary unit on the following types of calls when the incident has already occurred (cold calls for service):

- Illegally Parked Vehicles
- Motorist Assist / Disabled Vehicles
- Theft from Vehicle
- Stolen / Recovered Vehicle
- Traffic Control
- Assist with Traffic Control at Crash Scenes as Requested
- Road Hazards
- Vehicle Crash - No injuries
- Lost / Found Property
- Emergency Messages
- General Thefts
- Special Events
- Obscene / Harassing Phone Calls
- Abandoned Vehicle
- Criminal Mischief
- Extra Patrol Requests
- Hit and Run Crash
- Theft of Bicycle
- Residence Checks
- Parking Enforcement
- Subpoena Service

370.4.3 OTHER DUTIES

CSOs may be assigned to other duties as deemed appropriate by the Chief of Police or designee.

370.5 LIMITATIONS

Under no circumstances will a CSO be assigned to any in-progress or emergency response call. CSOs will not be assigned to any disturbance or assault call where there is reason to believe the aggressor or suspect may be present or likely to return to the scene.

CSOs are not sworn officers, do not make custody arrests, and shall not detain any person.

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Should a CSO arrive at the scene of an incident and determine that the suspect is present, he/she will immediately request a sworn officer be sent to the scene.

Should a CSO arrive at the scene of an incident where there is the likelihood of physical confrontation between parties, he/she will immediately request a sworn officer be sent to the scene. In any event occurring where the CSO reasonably believes he/she is in danger of becoming involved in a physical confrontation, the CSO is required to leave the scene immediately and notify the supervisor of the situation. CSOs will not knowingly respond to any call for service involving the use, or threatened use, of a weapon, or where the complainant, victim or suspect is believed to have armed himself/herself during the situation.

CSOs shall not exceed a "Code 1" response (no lights and siren).

370.5.1 OPERATION OF VEHICLES

Under no circumstances shall CSOs be dispatched to any calls requiring emergency operation of their assigned vehicles.

Emergency lights shall only be used in close proximity to traffic crash scenes to alert the public of roadway blockage or other potential traffic hazards.

370.5.2 USE OF FORCE

Under no circumstances will CSOs use physical force in the performance of their duties, except when reasonably necessary in self-defense or defense of others. CSOs may be authorized to carry and utilize a chemical agent or a Department issued Taser as a defensive tool upon meeting the criteria established by the Department.

370.5.3 LEDS ACCESS

If a CSO officer requires DMV information on a Code Enforcement Violation or a City Ordinance Violation, he/she shall access information through an account that has been set up with The Department of Motor Vehicles division specially used for this purpose.

370.6 SUPERVISION

CSOs will be assigned under the command of the Patrol Lieutenant and will respond to the on-duty supervisor. The duty supervisor may alter call assignments to the CSO, as deemed appropriate for the particular situation.

370.7 UNIFORMS

CSO uniforms shall comply with the standards outlined in the Policy and Procedure manual. The design of the uniform shall be distinctly different from uniforms worn by sworn members.

370.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-7-07	Effective: 12-3-07
Review: Odd Years	

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Community Service Officer

Accreditation: None	

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Stalking

375.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

375.2 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Newport 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.

375.3 UNIFORM STALKING COMPLAINT

The [Department/Office] will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, officers shall complete a thorough investigation. All stalking incident reports and the results of any investigation shall be forwarded to the District Attorney's Office within three days, regardless of whether any civil or criminal action was taken (ORS 163.744; ORS 163.738(7)).

375.4 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).

375.4.1 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

375.5 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.

375.5.1 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).

375.6 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.

375.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-29-2009	Effective: 8-4-2009
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 5/2015 -- D-15-016	Effective: 12-14-2015
Updated: Lexipol 10/2018 -- D-19-003	Effective 7-26-2019
Review: Even Years	
Accreditation Standards: None	

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Emergency Action Plan

376.1 PURPOSE AND SCOPE

Safety of Department personnel and the public is paramount. In the event of a fire or other event affecting the Police building, evacuation of all persons may be required. This policy deals with procedures in the event of an emergency at the Newport Police Department

376.2 REPORTING AN EMERGENCY

Depending on the type of emergency, there are three ways to notify WVCC for assistance in an emergency.

(a) From any Department telephone dial 9-1-1. (This is the preferred means.)

(b) From the police radio in Records or any portable police radio, notify WVCC or on-duty patrol officers.

(c) If danger exists and immediate evacuation of the building is needed, pull and activate the fire alarm. Fire alarm boxes are located throughout the building and at exits.

376.3 BUILDING EVACUATION

Upon the sounding of the fire alarm or being personally notified, leave the building from the closest exit. Personnel on the main floor should leave by way of the Records door, then out through the Police Entrance to City Hall. Personnel on the ground floor should leave by way of the rear patrol door. Personnel should advise members of the public they encounter of the closest exit and may assist them as necessary.

376.3.1 SECURITY

Prior to leaving the following actions should be taken:

(a) The Evidence Storage Rooms shall be locked and the intrusion alarm set.

(b) The Records Storage Room shall be closed and locked.

(c) If time permits, computers should have access locked.

376.3.2 EVACUATION POINT

All personnel evacuating the Police building shall meet in front of the Newport Senior Activity Center. The most senior person present will take count of personnel present, and account for those who were in the building.

376.4 TRAINING

The Records Section will designate an employee to assist in the safe emergency evacuation of other employees on the first floor. All Department members should be aware of the need to assist other City employees who are on the ground floor.

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376.5 REVIEW

All personnel will review this plan on an annual basis. New employees will be given the opportunity to review the plan during FTEP.

376.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 2-7-2007	Effective: 5-14-2007
Reviewed: 10-4-2013	
Review: Annual	
Accreditation Standards: OAA 2.3.1	

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Chaplains

377.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Newport Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

377.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

377.3 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.

377.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Newport 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.

377.4.1 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.

377.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

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(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

377.5 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 Newport Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Newport 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.

377.6 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 Operations Lieutenant 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 Shift Supervisor.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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.

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(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.

377.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Lieutenant Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Newport Police Department.

377.7.1 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.

377.7.2 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 Newport 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.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Newport Police Department operations, provided the Shift Supervisor has been notified and has approved the activity.

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(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 Newport 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.

377.7.3 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.

377.7.4 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 Shift Supervisor or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

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377.7.5 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.

377.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

377.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Newport 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 Newport Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

377.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Operations Lieutenant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations

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- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

377.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-29-09	Effective: 8-4-09
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-11
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Review: Even Years	
Accreditation Standards: None	

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Minor In Possession

378.1 PURPOSE AND SCOPE

The purpose of the Newport Police Department Minor in Possession policy is to support the County wide effort in reducing underage drinking and the resulting impact to the community.

It is the policy of the Newport Police Department to enforce a "zero tolerance" for all persons engaged in underage drinking. Furthermore, officers will utilize all resources available to enforce Minor in Possession, including the use of Portable Breath Testing devices, deploying the EUDL (Enforcing Underage Drinking Laws) volunteers and working with other agencies within the County on enforcement of underage drinking projects.

378.2 COUNTY WIDE RESPONSE PROCEDURE

The Lincoln County 'Local Alcohol and Drug Abuse Planning Committee' has developed a 'Coordinated Community Response Procedure for Minors in Possession of Alcohol and other Drugs.' The Newport Police Department is a signer to this procedure as are other law enforcement, criminal justice and county agencies.

378.3 PORTABLE BREATH TESTING DEVICES

A tool available to officers for MIP investigations is the Portable Breath Testing Device (PBT). Officers should make observations regarding the use of alcohol that include an odor, impaired speech and motor skills along with admissions.

378.3.1 USE OF PBT

(a) Prior to using a PBT in the field, officers should first familiarize themselves with its operation by reviewing the related training bulletin.

(b) Press the on/off button and the device will beep and the lights will cycle through the various colors.

(c) The device will be ready to use when the Wait/Ready light turns from red to green.

(d) Have the subject blow into the device by holding the end of it about an inch from their mouth. There will be an audible beep when enough sample has been received.

(e) There are three readings as indicated by the light: Green - Zero Alcohol; Amber - Low Alcohol; Red - High Alcohol.

(f) Turn off the device when done.

(g) It is recommended to wipe the mouth piece clean after each use.

378.3.2 REPORTING

All observations shall be documented in a crime report along with the results of the PBT test.

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378.3.3 PBT DEMONSTRATIONS
During an investigation the PBT should not be displayed to show its functioning or accuracy.

378.3.4 PBT STORAGE
When not in use, the PBT will be kept secure in the patrol car and stored in such a manner to protect it from theft, the elements and/or damage.

378.3.5 OTHER INVESTIGATIONS
The PBT shall not be used in Driving Under the Influence investigations.

378.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-24-2006	Effective: 5-24-2006
Reviewed: 6-23-2014	
Review: Even Years	
Accreditation Standards: None	

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Child and Dependent Adult Safety

379.1 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.

379.2 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 Newport 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.

379.3 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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379.3.1 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 Shift Supervisor 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.

379.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any 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.

379.3.3 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

379.3.4 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.

379.4 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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379.5 TRAINING

The Operations Lieutenant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

379.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-2009	Effective: 7-29-2009
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-2013
Reviewed: 606 - 8-29-2015	
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Reviewed: 604 - 8-11-2017	
Review: Odd Years	
Accreditation Standards: OAA 1.2.4, 2.2.1, 2.2.3	

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Service Animals

381.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Newport 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.

381.2 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).

381.2.1 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).

381.2.2 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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381.3 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 Newport 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.

381.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-2009	Effective: 7-29-2009
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014

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Service Animals

Review: Even Years	
Accreditation Standards: None	

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Volunteer Program

385.1 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.

385.1.1 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.

385.2 VOLUNTEER MANAGEMENT

385.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. 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.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

385.2.2 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.

385.2.3 LIABILITY COVERAGE

Liability coverage for covered volunteers will be pursuant to City provisions.

385.3 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

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.

385.4 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be displayed 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.

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385.4.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Oregon Driver's License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer 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.

385.4.2 RADIO AND MDC USAGE

Volunteers shall successfully complete the Law Enforcement Data System (LEDS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and LEDS training is provided for volunteers whenever necessary.

385.5 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police as recommended by 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.

385.5.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

385.6 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the

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best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

385.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-30-10	Effective: 9-15-10
Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Review: Even Years	
Accreditation Standards: None	

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Off-Duty Law Enforcement Actions

387.1 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 Newport Police Department with respect to taking law enforcement action while off-duty.

387.2 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.

387.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

387.4 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.

387.4.1 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 Newport Police Department officer until acknowledged. Official identification should also be displayed.

387.4.2 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.

387.4.3 CIVILIANNONSWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

387.4.4 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.

387.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

387.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 6-30-10	Effective: 7-15-10
Review: Odd Years	
Accreditation Standards: None	

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Off-Duty Law Enforcement Actions

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Department Use of Social Media

388.1 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).

388.1.1 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.

388.2 POLICY

The Newport 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.

388.3 AUTHORIZED USERS

Only members authorized by the 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.

388.4 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.

388.4.1 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 Chief of Police or designee or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

388.5 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 Newport 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.

388.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

388.6 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.

388.7 RETENTION OF RECORDS

The Administration Operations Lieutenant 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.

388.8 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.

388.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-15-2015 Effective: 10-31-2015

Review: As Needed

Accreditations Standards: None

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Native American Graves Protection and Repatriation

389.1 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.).

389.1.1 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.

389.2 POLICY

It is the policy of the Newport 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.

389.3 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

389.4 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).

389.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 1-11-2016 — -16-001 Effective: 1-26-2016

Review: As Needed

Accreditation Standards: None

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Extreme Risk Protection Orders

390.1 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.

390.1.1 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.

390.2 POLICY

It is the policy of the Newport 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/Office] pursuant to such orders.

390.3 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).

390.4 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form (ORS 166.527).

Any served order shall be entered into the state's Law Enforcement Data Systems (LEDS) by this [Department/Office] with a request that the order be entered in the National Crime Information Center (NCIC) when the order is served (ORS 166.527):

(a) By a member of this [Department/Office].

(b) By any law enforcement agency and this [Department/Office] is provided a receipt of a copy of the order and notice of completion of service.

(c) By a person and this [Department/Office] is provided a copy of the proof of service.

Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

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The [Department/Office] shall provide the petitioner a copy of the proof of service for the extreme risk protection order (ORS 166.527).

If service of the order cannot be completed within 10 days, the officer shall notify the petitioner at the address he/she provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice to the court showing service was not completed (ORS 166.527).

390.4.1 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 (ORS 166.537).

The officer serving an extreme risk protection order continued after a court hearing held under ORS 166.530, or a renewed extreme risk protection order, shall request that the person surrender all deadly weapons in his/her custody, control, or possession. The officer may conduct any search permitted by law for deadly weapons and shall take possession of all deadly weapons appearing to be in the custody, control, or possession of the person that are surrendered, in plain sight, or discovered pursuant to a lawful search (ORS 166.537).

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the person. The officer should ensure the original receipt is forwarded to the Operations Lieutenant as soon as practicable (ORS 166.537).

All deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

390.4.2 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any deadly weapons, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

390.5 OPERATIONS LIEUTENANT RESPONSIBILITIES

The Operations Lieutenant is responsible for:

(a) Ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the [Department/Office] (ORS 166.537).

(b) Ensuring orders have been properly entered into state and national databases as required by ORS 166.527.

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(c) Removing from LEDS an original order upon receipt of a termination order from the court and requesting that the order be removed from NCIC (ORS 166.533).

390.6 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/Office] procedures (ORS 166.537).

390.7 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in [Department/Office] custody pursuant to an extreme risk protection order will be released only as authorized by ORS 166.540 and applicable provisions of the Property and Evidence Policy.

390.8 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Detective Section supervisor is responsible for the review of any extreme risk protection order obtained by the [Department/Office] to determine if renewal should be requested within the time prescribed by law (ORS 166.535).

390.9 ADOPTION - REVIEW - ACCREDITATION

Adopted: 2-16-2018 -- D-18-002 Effective: 3-3-2018
Update: Lexipol 10/18 -- D-19-003 Effective: 7-26-2019
Review: As needed

Accreditation Standards: None

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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 to ensure intra-Department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Newport Police Department, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances and 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) Prevention of criminal acts, traffic violations, and collisions; maintenance of public order; and discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Response to calls for service, both routine and emergency

(d) Investigation of criminal and non-criminal acts

(e) 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) Sharing information between Patrol and other divisions within the Department, as well as other outside governmental agencies

(h) Application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the Newport 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 Detective Section Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-Department cooperation and information flow among the various divisions of the Newport Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

All Department personnel are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the Briefing Room, and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the Briefing Room for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors, and will be discussed at briefings and shift meetings. A copy of the latest Departmental Directive(s) will be placed on the Briefing Room clipboard.

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 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-08	Effective: 10-22-08

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Patrol Function

Updated: Lexipol 1/2010 - D-10-001	Effective: 1-20-10
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-11
Reviewed: 8-3-2016 — 606	
Review: Even Years	
Accreditation Standards: None	

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to [department/office] members that affirms the Newport Police Department 's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the [department/office]'s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

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 Newport Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this [department/office] to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

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/office] shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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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.

402.5 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/office] who discloses information concerning bias-based policing.

402.6 ADMINISTRATION

The Operations Lieutenant Operations Lieutenant should review the efforts of the [Department/ Office] to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complainant, citizen, or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

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402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Operations Lieutenant.

402.7.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Operations Lieutenant should ensure that officers receive training implemented by the Department of Public Safety Standards and Training regarding procedures to facilitate the collection of officer-initiated traffic and pedestrian stop data (ORS 131.935).

402.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-2009	Effective: 7-29-2009
Updated: Lexipol 8/2012 -- D-12-008	Effective: 8-29-2012
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: 2-21-2013 - D-13-005	Effective: 3-8-2013
Reviewed: 7-29-2013	
Updated: 12-14-2015 — D-16-001	Effective: 1-26-2016
Updated: 8/2016 — D-16-008	Effective: 8-18-2016
Updated: 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: 10/2018 -- D-18-005	Effective: 11-19-2018
Review: Odd Years	
Accreditation Standards: OAA 1.2.1, 1.2.5	

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Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted before a patrol officer's assigned shift. Briefing training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts Briefing training; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Departmental Directive or changes in Departmental Directive

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Operations Lieutenant for inclusion in training records, as appropriate.

404.4 ADOPTION / REVIEW / ACCREDITATION

Adopted 7-29-2009		Effective: 8-4-2009
Updated: Lexipol 8/2015 — D-15-011		Effective: 10-31-2015
Review: As Needed		
Accreditation Standards: OAA 1.8.1		

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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 Newport 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 OPERATIONS LIEUTENANT RESPONSIBILITIES

The Operations Lieutenant 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.

406.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
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Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Review: As Needed	

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Crime and Disaster Scene Integrity

Accreditation Standards: OAA 1.9.1, 2.3.1, 3.3.1, 3.3.2	

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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 Newport Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 15-years
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the [Department/Office]
- Denial by any supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Patrol Division Lieutenant. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, Shift Supervisor.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Oregon driver's license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Sergeant 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 Shift Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the [Department/Office] will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Shift Supervisor.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadet Program Policy.

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 Shift Supervisor 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/office] or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Shift Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

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 Newport Police Department). The printed inquiry responses will be attached to the request and forwarded to the on-duty Shift Supervisor who will approve or disapprove the ride-along and schedule the appointment.

410.3 OFFICERS RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Sergeant with any comments which 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:

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(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

410.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-24-08	Effective: 5-10-08
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Review: As Needed	
Accreditation: None	

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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.

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 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.

412.3 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 Chief of Police. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

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.

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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 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 ADOPTION / REVIEW / ADOPTION

Adopted: 3-18-09	Effective: 3-28-09
Review: Even Years	
Accreditation Standards: OAA 1.5.7, 2.1.4	

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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 Newport 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.

414.2.1 NON-NEGOTIABLE ITEMS

In any barricaded or hostage-taking situation, the following are considered to be non-negotiable:

(a) A police officer should never surrender to a hostage-taker to gain the release of a hostage

(b) No other person shall be allowed to surrender themselves to gain release of a hostage

(c) No person should intentionally place themselves in a position to be taken hostage in a barricaded situation

(d) Alcohol or drugs are not given to the perpetrator

(e) Weapons are ot given to the perpetrator.

414.2.2 CRISIS NEGOTIATING

Officers who respond first to a scene may be called upon by necessity or circumstance to make contact with a barricaded subject or hostage-taker. Officers who find themselves in this circumstance should:

(a) Utilize active listening skills

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(b) Try to identify what has precipitated the event

(c) Obtain pertinent information about the hostage-taker, the hostages, hostage site or barricaded subjects

(d) Make no agreements or commitments to future actions

(e) Work to minimize the situation in the mind of the perpetrator

(f) Never acknowledge that the perpetrator has committed a homicide or other serious crime

When trained negotiators arrive at the scene, any officer who has had contact with the perpetrator should work with the Crisis Negotiating Team (CNT) to develop information, personality profile or other information as requested.

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).

414.3.2 ACTIVE SHOOTERS

An active shooter incident is a dynamic situation that needs immediate attention. The first officer on the scene of an active shooter incident must wait for additional officers. During that waiting time, the officer should assess the situation, and develop a plan to address the threat. Once there are three or more officers on-scene, tactics should be used to reduce or eliminate the threat.

414.3.3 REQUEST FOR SWAT

The supervisor may request the Special Weapons and Tactics Team (SWAT) for assistance if necessary. The supervisor, upon assuming Incident Command, should consider requesting SWAT in any incident where:

(a) It could be reasonable anticipated that there is a more than normal risk to regular uniformed officers

(b) Special weapons or tactics need to be employed

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(c) Trained negotiators are needed to communicate with the subject of the incident

(d) The situation could potentially become protracted

(e) In any situation or incident where it is the supervisor's assessment that the additional resources SWAT can provide are needed.

414.3.4 SWAT RESPONSE

SWAT response is governed by inter-agency agreements. The decision to activate SWAT is at the discretion of the SWAT commander or his/her designee. If the SWAT commander elects not to respond to the situation, the supervisor will handle the situation as a patrol function utilizing any necessary Departmental resources so as to bring the situation to a proper conclusion. These resources may include but are not limited to:

(a) Non-lethal options such as bean bag shotguns, taser, OC, etc.

(b) Departmentally trained negotiators

(c) Tactical retreat

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.

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(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 Chief of Police or designee.

(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).

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(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 Chief of Police or designee.

(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).

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(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 WVCC.

(i) Identify a media staging area outside the outer perimeter and have the department Chief of Police or designee 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 DEBRIEFING AND INCIDENT REVIEW

A debriefing of the incident shall be conducted within a reasonable amount of time from the occurrence. All involved police, fire and EMS personnel should attend. This debriefing may be conducted by a Critical Incident Stress Manager (CISM) or other professional as determined by the Chief of Police.

414.7 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT 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 SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

414.8 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.

414.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-8-04	Effective: 1-6-05
Updated: 12-22-2010 -- D-10-009	Effective: 12-22-10
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-11
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-13
Review: Even years	
Accreditation Standards: None	

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Active Shooter Tactical Response

415.1 PURPOSE AND SCOPE

Over the past several years our nation has experienced a growing trend of mass violence committed by individuals. These episodes have come to be termed "active shooter" incidents, and are unique in that the suspect(s) generally arrive at a location and begin to shoot at numerous people without warning. The motives for these behaviors can range from vengeance to mental dysfunction. The behavior is goal-oriented -- to cause as much destruction and as many deaths as possible in a short period of time.

Incidents across the country suggest that the typical police response involving containment, isolation, and negotiation are not adequate. Any time lapse from notification of responsders to intervention will result in a higher casualty rate. Unlike most criminals, active shooters continue to use deadly physical force until intervention occurs.

The active shooter concept represents a shift in patrol response, equipment needs, and command protocol. These situations require the initial police responders arriving on scene to have the authority and the capability to take action without waiting for supervisors, or for the arrival of specialty units such as SWAT. This policy contains the following information concerning active shooter incidents:

1. Definition of term "Active Shooter"

2. Characteristics of Active Shooters

3. LCLE Response Goals for Active Shooter Incidents

4. Standard Operating Procedures for Active Shooter Incidents

5. Guidelines for Development of Tactic for Use Against Active Shooters

415.2 DEFINITION OF ACTIVE SHOOTER

An active shooter is an armed person who has used deadly physical force on other persons, and continues to do so while having unrestricted access to additional victims.

415.3 CHARACTERISTICS OF AN ACTIVE SHOOTER

The following is a list of characteristics commonly assoicated with active shooter suspects. The list is compiled from descriptions of past active shooters, and is not meant to be a comprehensive list describing all active shooters. Each active shooter situation is unique.

1. Active shooters usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred or rage rather than commission of a crime.

2. An active shooter is likely to engage more than one target. Active shooters may be intent on killing a number of people as quickly as possible.

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3. Generally, the first indication of the presence of an active shooter is when he/she begins to assault victims.

4. Active shooters often go to locations where potential victims are close at hand, such as schools, theaters, concerts, or shopping malls. Active shooters may act in the manner of a sniper, assaulting victims from a distance. Active shooters may also engage multiple targets while remaining constantly mobile.

5. Tactics such as containment and negotiation, normally associated with stand-off incidents, are not adequate in active shooter events. Active shooters typically continue their attack despite the arrival of emergency responders.

6. Active shooters are often better armed than the police, sometimes making use of explosives, booby traps, and body armor. Active shooters are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons, vehicles, or any tool that, in the circumstances in which it is used, constitutes deadly physical force.

7. Active shooters may have a planned attack, and be prepared for a sustained confrontation with the police. Historically, active shooters have not attempted to hide thier identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active shooter.

8. Active shooters may employ some type of diversion.

9. Active shooters may be indiscriminate in their violence, or they may seek specific victims.

10. Active shooters may be suicidal, deciding to die in the course of their actions, either at the hand of orthers, or by self-inflicted wound.

11. Active shooters usually have some degree of familiarity with the building or location they choose to occupy.

12. Active shooter events are dynamic, and may go in and out of "active" status. A static incident may turn into an active shooter event, or an active shooter may go "inactive", such as by going to a barricaded status without access to victims.

415.4 POLICE INTERVENTION GOAL FOR ACTIVE SHOOTER INCIDENTS

The following goal has been developed for the purpose of focusing police efforts at an active shooter event. An assessment made on scene by the officer or supervisor assuming incident command will determine how this goal will be accomplished. The Newport Police Department intervention goal for active shooter incidents is the following:

The goal of police intervention in active shooter incidents is to neutralize the threat(s) by preventing access to potential victims, and rescuing injured persons by various means, up to and including the use of deadly physical force.

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415.5 STANDARD OPERATING PROCEDURES

The following six tenets set general response guidelines for active shooter incidents. Again, these incidents are sufficiently unique that their effectiveness cannot be reduced totally to procedures.

The significant factors regarding these tactics are that they represent additional means of intervention available to officers, and that there is the potential of elevated risk to bystanders and officers. The risk is acceptable in light of the potential these tactics have for saving lives. Another significant aspect of the active shooter tactical doctrine is that officers arriving at the scene of an active shooter incident are authorized to intervene

415.5.1 GOAL

The overall purpose of these tactics is to save lives and prevent serious injuries. The goal for police resonse at an active shooter event is neutralization by denying access to additional victims, rescuing injured victims, and/or rescuing potential victims.

415.5.2 ASSUME TACTICAL RESPONSIBILITY

One initial responder must take charge of the active shooter incident. Assumption of tactical responsibility may be based on rank, seniority, expertise, or consensus. However, it must be made immediately clear, to both dispatch and other responders, who is in charge. Any change in incident command will be made known to dispatch and other responders.

415.5.3 PRO/CON ANALYSIS

The officers taking charge must, based on all information available, make an analysis of the situation. The analysis will be continuous, taking into account new information from dispatch and observations from officers or citizens. The analysis must lead to a decision as to whether the situation is an active shooter event, whether an opportunity exists for an immediate intervention leading to accomplishment of one of the goals listed above, and how responding resources should be deployed at the scene.

415.5.4 INCIDENT COMMAND

No action will be taken that is unplanned or without controls. Command will be asumed by a first responder who will initiate the situation analysis, and determine initial deployment of responding resources. Whenever possible, one person possessing all available information on tactical plans will establish the command post, and brief arriving personnel.

415.5.5 FIRST RESPONDER TACTICAL INTERVENTION

When responding to active shooter incidents, the concept of the first responder tactical interventions is endorsed. It is critical that all officers and supervisors are familiar with the definition of an active shooter, as well as the tactics deemed appropriate for active shooter response. The traditional uniform response of contain, isolate, evacuate, and wait for SWAT and crisis netotiators is not adequate in an active shooter incident.

A. Intervention

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First responder intervention will be based on opportunity. Intervention may be in the form of a team of officers with an identified team leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the team leader. Intervention teams may act upon an opportunity to neutralize the threat by:

1. Taking a transition point. The target location will be assessed for safe access and transition points (e.g., stairwells, hall junctures, and intersections) in an attempt to limit suspect(s) movement and access to additional victims.

2. Engaging a shooter. Acting upon an opportunity, the team leader or individual officer(s) may move toward engaging the active shooter.

3. Securing a location for evacuation of injured/potential victims. Evacuations may be conducted from areas believed to be relatively inaccessible to the shooter.

4. Containment. Site containment will be left to the discretion of the initial responder who assumes incident responsibility, and initiates the situation assessment.

415.5.6 ACTIVE SHOOTER SITE SECURITY

Officers assigned to security functions will maintain position until properly relieved.

Individual officers arriving on scene may enter and address an active shoter only after notifying other responders and dispatch of their intended entry point and expected contact location. Additional arriving officers are expected to also assess and respond in similar fashion. Once any threat has been neutralized by containment or use of deadly force, the contact officer will remain at that location and advise other responders.

415.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-4-2000	Effective: 5-20-2000
Update: 12-22-2010 -- D-10-009	Effective: 12-22-2010
Reviewed: 10-31-2013 (605)	
Review: Odd Years	
Accreditation Standards: None	

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Newport Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY

It is the policy of the Newport Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 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 Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 NEWPORT POLICE FACILITY

If the bomb threat is against the Newport Police Department facility, the Shift Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Newport 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 Shift Supervisor deems appropriate.

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416.4.3 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.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Newport, 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 Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Shift Supervisor (or on-call supervisor) should be notified when police assistance is requested. The Shift Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(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.

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.

416.6 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 Shift Supervisor (or on-call supervisor) including:

1. The time of discovery.

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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.
5. The areas to be evacuated or cleared.

416.7 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.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

416.7.2 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
- Shift Supervisor
- 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

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416.7.3 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.

416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-16-2007	Effective: 4-13-2008
Update: Lexipol 1/2008 -- D-08-007	Effective: 4-13-2008
Update: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Reviewed: 8-29-2014	
Update: Lexipol 5/2015 -- D-15-016	Effective: 12-14-2015
Reviewed: 9-7-16 — 602	
Review: Even Years	
Accreditation: OAA 2.3.2	

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Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

418.2 POLICY

It is the policy of the Newport Police Departmentto protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 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.

418.3.1 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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418.3.2 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).

418.4 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.

418.4.1 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)).

418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have WVCC 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, Shift Supervisor approval is required before transport commences.

418.5.1 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)).

418.6 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.

418.7 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.

418.7.1 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.

418.8 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.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

418.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-21-2009	Effective: 10-28-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: 2-7-2013 -- D-13-002	Effective: 2-7-2013
Updated: 12-26-2013 -- D-13-021	Effective: 1-10-2014
Updated: Lexipol 8/2015 — D-15-011	Effective: 10-31-2015
Review: 11-23-2015 (603)	

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Civil Commitments

Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Review: Odd Years	
Accreditation Standards: OAA 2.1.7, 2.2.4, 2.2.5	

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Citation Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Newport 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.

420.2 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). The suspect(s) should still be taken to the jail for photos and fingerprints.

420.2.1 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).

420.3 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.

420.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

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(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

420.5 POLICY

The Newport 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.

420.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-20-2009	Effective: 5-27-2009
Updated: Lexipol 6/2010 - D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Updated: 6-26-12 - D-12-002	Effective: 6-26-12
Reviewed: 11-13-15	
Reviewed: 9-1-2016 — 604	
Updated: Lexipol 10/2016 D-17-2017	Effective: 4-2-2017
Review: Even Years	
Accreditation Standards: OAA 1.2.3, 1.2.4, 2.1.3	

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Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Newport Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Newport 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.

422.3 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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422.4 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

422.5 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.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Foreign Diplomatic and Consular Representatives

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.

422.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-22-2009	Effective: 4-29-2009
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Updated: Lexipol 5/2015 -- D-15-016	Effective: 12-14-2015
Review: Even Years	
Accreditation Standards: OAA 1.2.6	

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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Newport Police Department relating to immigration and interacting with federal immigration officials.

428.2 POLICY

It is the policy of the Newport Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this [department/office] in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 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.

428.4 DETENTIONS

This [department/office] does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

An officer should notify a supervisor as soon as practicable whenever an individual is being detained or arrested for a criminal immigration violation.

428.4.1 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).

428.5 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.

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this [department/office] should be directed to a supervisor. The [Department/Office] may provide available support services, such as traffic control or peacekeeping efforts.

428.7 INFORMATION SHARING

No member of this [department/office] will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in [department/office] records

(c) Exchanging such information with any other federal, state, or local government entity

428.7.1 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.

428.7.2 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/Office] that are not matters of public record

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Section supervisor assigned to oversee the handling of any related case. The Detective Section supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

428.8.1 DENIAL OF CERTIFICATION

If certification is denied, the Detective Section supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept

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for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

428.8.2 TIME FRAME FOR COMPLETION
Except under circumstances where there is good cause for delay, the Detective Section supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

428.8.3 U VISA AND T VISA DOCUMENTATION
The Detective Section supervisor shall collect written documentation regarding the number of certification forms that are (2019 Oregon Laws, c. 472, § 2):

(a) Requested by a victim.

(b) Granted.

(c) Denied, with the reason for denial.

The Detective Section supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Section for annual reporting to the Oregon Criminal Justice Commission.

428.9 TRAINING
The Operations Lieutenant should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

428.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-29-2009	Effective: 8-4-2009
Updated: Lexipol 1/2010 - D-10-001	Effective: 1-20-2010
Updated: Lexipol 12/2011 D-11-014	Effective: 12-31-2011
Updated: Lexipol —D-15-001	Effective: 4-2-2015
Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Updated: Lexipol 10/2017 -- D-17-009	Effective: 12-27-2017
Updated: Lexipol 10/2018 -- D-18-005	Effective: 11-19-2018
Updated; Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: As Needed	
Accreditation Standards: None	

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 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 WVCC.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by WVCC.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Newport 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.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise WVCC of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Officers have the responsibility address any hazard caused by malfunction of any inoperative or malfunctioning signal.

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430.3 ADOPTION / REVIEW / ACCREDITATION

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Review: As Needed	
Accreditation Standards: None	

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Aircraft Accidents

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide [department/office] members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

433.1.1 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.

433.2 POLICY

It is the policy of the Newport Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

433.3 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).

433.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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433.5 NOTIFICATIONS

When an aircraft accident is reported to this [department/office], the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

433.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this [department/office] will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene [department/office] supervisor should ensure the accident is still appropriately investigated and documented.

433.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

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(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

433.8 DOCUMENTATION

All aircraft accidents occurring within the City of Newport 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 NPD 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.

433.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

433.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

433.9 MEDIA RELATIONS

The Chief of Police or designee ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.

433.10 ADOPTION / REVIEW / ACCREDITATION

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Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
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Review: As Needed	
Accreditation Standards: 2.3.3	

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Field Training and Evaluation Program

435.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Newport Police Department.

It is the policy of this Department to assign all new police officers to a structured Field Training and Evaluation Program that complies with DPSST training requirements and 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.

435.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

435.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of four years' patrol experience, two of which shall be with this Department

(c) Demonstrated ability as a positive role model

(d) Pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTO's

(f) Possess a DPSST Basic Certificate

435.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete a Field Training Officer update course every three years while assigned to the position of FTO.

435.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The FTEP supervisor will be selected from the rank of sergeant or above by the Patrol Operations Lieutenant or his/her designee and shall possess a DPSST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conducting FTO meetings.

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(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTEP Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

435.3.1 FTEP SUPERVISOR

The FTEP Supervisor will be selected from the rank of sergeant by the Patrol Lieutenant and shall possess a DPSST Supervisory Certificate.

The FTEP Supervisor shall have the responsibility of, but not limited to, the following:

(a) Appointing the FTEP Coordinator

(b) Monitor overall training program

(c) Monitor the FTEP training program to ensure it is current with all Department policies, City Ordinances and State/Federal laws

(d) Monitor trainer / trainee performance through:

  (a) Periodic report review

  (b) Listening to radio traffic (if applicable)

  (c) Ride-alongs

  (d) Field visits

  (e) Review of DOR's

  (f) Weekly conferences with the Program Coordinator

  (g) Observing trainee performance in actual settings

  (h) Observing trainee performance in simulated activity

  (i) Reviewing all documents related to new hire's training

(e) Attending progress meetings

(f) Making suggestions for remedial training and monitoring in-progress remedial plans

435.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Newport Police Department who has successfully completed a DPSST approved Basic Academy.

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435.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

435.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Newport 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 Newport Police Department.

435.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

435.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Observation Report (DORs) with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(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.

435.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Field Training Administrator. The supervisor will prepare a bi-weekly supervisor's evaluation and forward it along with the FTO's evaluations.

435.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor.

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435.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

435.7 DOCUMENTATION

All documentation of the Field Training and Evaluation Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports

(b) End of phase evaluations

(c) Supervisor's evaluation

(d) The completed Field Training Manual

(e) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

435.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-1-10	Effective: 9-15-10
Review: When needed	
Accreditation Standards: OAA 1.8.2	

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Obtaining Air Support

437.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

437.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made to the U.S Coast Guard.

437.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

A helicopter may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

437.2.2 COMMUNICATIONS WITH AIRCRAFT

Use Marine Channel 22 to coordinate ground activity with the USCG pilot.

437.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-21-2009	Effective: 10-28-2009
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Review: Odd Years	
Accreditation Standards: None	

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Contacts and Temporary Detentions

439.1 POLICY

The Newport 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.

439.2 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.

439.2.1 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.

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439.3 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 Newport Police Department to strengthen community involvement, community awareness, and problem identification.

439.3.1 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.

439.4 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.

439.5 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.

439.5.1 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.

439.5.2 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.

439.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor 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 Shift Supervisor 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 Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

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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.

439.5.4 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.

439.6 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/office] members.

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

439.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
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Updated: Lexipol 6/2010 - D-10-004	Effective: 7-15-2010
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Updated: Lexipol 10/2019	Effective: 2-14-2020
Review: Odd Years	
Accreditation Standards: None	

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Criminal Organizations

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Newport Police Department appropriately utilizes criminal intelligence systems and temporary information filesto support investigations of criminal organizations and enterprises.

441.1.1 DEFINITIONS

Definitions related to this policy include:

- Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

441.2 POLICY

The Newport Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

441.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

441.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Operations Lieutenant may not purge such documents without the approval of the designated supervisor.

441.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

441.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, WVCC records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

441.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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441.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Operations Lieutenant to train members to identify information that may be particularly relevant for inclusion.

441.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

441.7 CRIMINAL STREET GANGS

The Detective Section supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with criminal street gangs.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

441.8 TRAINING

The Operations Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

441.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Review: Odd Years	
Accreditation Standards: None	

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Shift Supervisors

443.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each shift.

443.2 UNAVAILBILITY OF SHIFT SUPERVISOR

When a Sergeant is unavailable for duty as Shift Supervisor, in most instances the senior officer may assist with immediate situations until the on-call supervisor can be contacted.

443.3 DESIGNATION AS ACTING SUPERVISOR

Should a shift supervisor be absent for an extended period of time, the Chief of Police may designate an officer as an Acting Sergeant. Compensation will be handled pursuant to the Collective Bargaining Agreement.

443.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-21-09	Effective: 10-28-09
Reviewed: 9-8-2015 (600)	
Review:As Needed	
Accreditation Standards: OAA 1.4.4	

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Mobile Audio Video

445.1 PURPOSE AND SCOPE

The Newport 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.

445.1.1 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.

445.2 POLICY

It is the policy of the Newport Police Department to use mobile audio and video technology to more effectively fulfill the [department/office]'s mission and to ensure these systems are used securely and efficiently.

445.3 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/Office] 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 Newport 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/office] operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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445.4 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).

445.4.1 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 WVCC

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

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(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

445.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

445.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this [department/office] may surreptitiously record a conversation of any other member of this [department/office] 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.

445.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of WVCC.

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/office]-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as

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evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

445.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the [Department/ Office]. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the [department/office] MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of conduct

(c) By a supervisor to assess performance

(d) To assess proper functioning of MAV systems

(e) By [department/office] investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By [department/office] personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

445.6 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.

445.7 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.

445.7.1 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.

445.7.2 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 Newport Police Department shall indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

445.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer’s recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer’s transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

445.9 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

445.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 2-21-07	Effective: 5-14-07
Updated: Lexipol 1/2008 -- D-08-008	Effective: 3-2-09
Updated: 11-22-2008	Effective: 11-24-08
Updated: Lexipol 12/2008 -- D-09-001	Effective: 3-2-09
Updated: 3-16-2009	Effective: 3-26-09
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-11
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-13
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-13
Review: As Needed	
Accreditation: OAA 2.5.2	

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Body Worn Cameras

446.1 PURPOSE AND SCOPE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

The Newport Police Department has equipped Officers with body-worn cameras (BWCs) to provide records of events and assist officers in the performance of their duties. BWCs include all recording systems, whether body-worn, hand held, or integrated into portable equipment. This policy provides guidance on the use of these systems.

BWCs allow accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.

Audio and video recordings also enhance this Department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes and additional information for officer evaluation and training.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Officer – Defined as a sworn Police Officer and/or a Community Service Officer

Activate - Any process that causes the BWC to transmit or store video or audio data in an active mode.

BWC technician - Personnel certified or trained in the operational use and repair of BWCs, 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.

Evidence.com Dock – Uploads data from the BWCs to the Evidence.com cloud computing website as well as simultaneously recharges the BWC and ensures evidence handling is secure and not altered.

Evidence.com – An online, web-based digital media storage facility that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The recordings are accessible to authorized personnel based upon a security clearance.

File – For the purpose of this policy, the term "file" refers to all sounds, images, and associated metadata.

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446.2 POLICY

It is the policy of the Newport Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

446.3 PROCEDURE FOR BWC USE

(a) Only officers that have completed approved training will be allowed to operate the BWC.

(b) Officers shall inspect the BWC system for any physical damage, and ensure the device is in working order at the beginning of their shift. Any problems will be reported immediately to their

(c) Officers who are assigned BWC equipment must use the equipment, unless otherwise authorized by a supervisor.

(d) Officers shall activate the BWC to record all contact with citizens in the performance of official duties as they relate to section 447.4.1 REQUIRED ACTIVATION OF BWC in this policy.

(e) If an Officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the Officer shall document why a recording was not made, was interrupted, or was

(f) Police personnel shall use only BWCs issued by this Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is

(g) Care of BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of

(h) Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police, or

(i) Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

(j) If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious Force Response, the Department reserves the right to limit or restrict Department members from reviewing the video file.

(k) Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports

(l) Civilians shall not be allowed to review the recordings at a scene.

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446.4 ACTIVATION OF BWCS

This policy is not intended to describe every possible situation in which the BWC may be used, although there are many situations where its use is appropriate. An Officer may activate the BWC any time the employee believes it would be appropriate or valuable to document an incident.

Officers 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 unreasoned, certain felony drug offenses, felonies that endangers human life (ORS 165.540))

Officers 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 Officer 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 the 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 an Officer expected to jeopardize his or her safety in order to activate a BWC or change the recording media. However, the recorder should be activatedas soon as practicable in situations described in section 447.4.1.

446.4.1 REQUIRED ACTIVIATION OF BWCS

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the situation. However, the audio portion of BWC recording may be valuable evidence. The BWC should be activated in any of the following situations:

(a) All field contact 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 Force Response
8. Pedestrian checks or Field interviews
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Respondse to an in-progress call

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(b) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(c) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

(d) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

446.5 OFFICER RESPONSIBLITIES

Prior to going into service, each officer assigned BWC equipment 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 downloading any recordings, 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 Newport Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the BWC's operation in accordance with manufacturer specifications and Department operating procedures and training. Each BWC has as a unique serial number that is registered to each Officer during the initial setup phase. This unique serial number is logged into Evidence.com each time the Officer uploads the BWC data at the conclusion of his/her patrol shift. If the system is malfunctioning, the officer shall take the BWC out of service and notify their supervisor.

446.6 CESSATION OF RECORDING

Once activated, the BWC should remain on until the Officer's direct participation in the incident has concluded, or the situation no longer fits the criteria for activation. 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.

446.7 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 154.543.

446.7.1 RESTRICTIONS ON USING THE BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

(a) Communications with other police personnel without the permission of the Chief of Police or his/her designee;

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(b) Encounters with undercover officers or confidential informants;

(c) When on break or otherwise engaged in personal activities; or

(d) In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

446.8 STORAGE OF BWCS DATA

(a) All files shall be securely downloaded periodically, and no later than the end of each shift. Each file shall contain information related to the incident date, BWC identifier, and assigned officer;

(b) All images and sounds recorded by the BWC are the exclusive property of this Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited;

(c) All access to BWC files must be specifically authorized by the Chief of Police or his/her designee; and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes;

(d) Files should be securely stored in accordance with Oregon Revised Statute 131.125, and Oregon Secretary of State Archives Division records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

446.9 REVIEW OF BWCS RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department BWC technician. 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) 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 BWC systems

(e) By a Department investigator after approval by 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

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(g) By whomever 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 authorized designee

(i) By the media through proper process, or with permission of the authorized designee

(j) To assess possible training value

(k) If a recording is to be shown for training purposes, the involved Officer shall be notified. If the involved Officer objects to showing a recording, his/her objection will be submitted to the Chief of Police (or his/her designee) to determine if the training value outweighs the officer's objection. Employees desiring to view any previously uploaded or archived BWC recordings will submit a written request to the Shift Supervisor. Approved requests will be forwarded to the BWC technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

446.10 SUPERVISOR RESPONSIBILITIES

Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

At reasonable intervals, supervisors will randomly review BWC recordings to ensure the equipment is operating properly, and that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.

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 to ensure that the appropriate supervisor, BWC technician, or crime scene investigator properly retrieves the recorded media. The recorded media may need to be treated as evidence, and should be handled in accordance with current evidence procedures for recorded media.

446.11 DOCUMENTING BWC 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.

446.12 RETENTION OF RECORDINGS

Any time an Officer records any portion of a contact the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number, transfer the file in accordance with current procedure for storing digital files, and document the existence of the

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recording in the related case report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

446.13 COPIES OF ORIGINAL RECORDING MEDIA

Copies of original recording media shall not be used for any purpose other than 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.

Copies of original recording media may only be released only in response to a court order, or upon approval by the Chief of Police, or his/her 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.

446.14 TRAINING

All Department members who are authorized to use the BWC system shall successfully complete an approved course of instruction prior to use.

446.15 ADOPTION / REVIEW / ACCREDITATION

Adopted: D-15-003 -- 3-18-2015		Effective: 4-2-2015
Review: As needed		
Accreditation Standards: None		

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Mobile Digital Computer Use

447.1 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 WVCC.

447.1.1 POLICY

It is the policy of the Department that city owned Mobile Data Computers will be used for official law enforcement business only. All communications via the MDC will be professional and conducted in a business-like manner. The transmission of sexist, racist, vulgar, derogatory, or discriminatory messages is strictly prohibited. Nothing in this policy is intended to prohibit or limit the employee from making safety conscious decisions. If there is a compromise of safety in a particular situation related to the use of the MDC, employees are expected to use voice communications. The MDC is a job enhancement tool and is not intended to replace all voice communications.

447.1.2 DEFINITIONS

LINCS - Lincoln Interagency Networked Computer System (LINCS) is the primary Records Management System for the Newport Police Department and the Lincoln County Sheriff's Office, and incorporates wireless access to the Computer Aided Dispatch system at the communications center.

MDC Messaging - Any message sent or received from one computer to another, such as car-to car, car to communications center, communications center to car, office computer to car or interface with LEDS.

Priority 1 Calls - Urgent, in progress, must be handled immediately, involving incidents that are life threatening.

Priority 2 Calls - In progress incidents where there is the potential for injury or involves a major property crime.

Priority 3 Calls - Incidents that do not involve an immediate danger to person or property.

Priority 4 Calls - All other reported incidents that are routine in nature.

447.2 POLICY

Newport 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.

447.2.1 MDC LOG-ON, OPERATION, LEDS/NCIC QUERIES

(a) Officers should bear in mind that their first priority is operating their patrol vehicle in a safe and prudent manner. Officers should avoid multiple keystroke entries while the vehicle is moving. This

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does not preclude a passenger Officer from entering information into the MDC while the vehicle is in motion.

1. At the beginning of each duty shift and prior to briefing, each Officer will log into the MDC using their name and password. Officers will notify dispatch they are in-service, and will advise dispatch of their assigned district.

2. Upon logging onto the MDC, and during his/her shift, Officers shall view the MDC for pending calls pertinent to themselves and their assigned district. Officers will continue to monitor activities of other field units that might be relevant to field activities.

3. At the conclusion of the assigned shift, the Officer will make sure that he/she is completely logged out of the system.

(b) Traffic Stops

1. Traffic stops will be conducted via voice communication. Activities such as field interviews (FI), ordinance violations, potential enforcement actions or other activity where an event or case number will be generated shall be done by voice communications.

(a) Exceptions include unit status changes (i.e. enroute to calls, clearing from calls, clearing from self-initiated activities, putting self out on break etc..). These may be conducted via the MDC, consistent with officer safety and safe vehicle operation.

(c) Self-Initiated Activities

1. If time and circumstances permit and the MDC can be safely used, self-initiated activities and field contacts may be conducted via the MDC.

(a) If the dispatcher or a field unit believes there are safety issues involved, voice radio communications are appropriate.

(b) Routine activities such as breaks, lunch, or non-emergent contacts should be conducted via the MDC.

(c) Officers may occasionally make general information requests to dispatch via the MDC. However, these requests are viewed as general information requests and unless otherwise flagged will be handled on a low priority basis.

(d) Officers are allowed to write their police reports, and shall make notes to CAD entries, via the MDC, consistent with officer safety. However, Officers are encouraged to write lengthy reports at the office.

(b) When an Officer receives a warrant hit, stolen articles or guns, the Officer will verbally notify the communications center of the situation and if a cover unit is needed.

1. The communications center will dispatch the appropriate cover unit. The officer will also advise the communications center if confirmation is needed.

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(c) When an Officer receives a stolen vehicle hit via the MDC the Officer will provide the communications center with their location, the license plate, description of the vehicle, whether or not the vehicle in occupied, and if the vehicle is mobile or parked.

1. The communications center will run the plate and confirm stolen status.

(d) Any LEDS reporting requirements, which are the result of a field unit MDC inquiry involving corrections offenders, sex offenders or gang member hits, will be the responsibility of the communications center;

1. Unless the Officer responds to the LEDS requirement via the MDC according to LEDS regulations.

2. The Officer will provide the communications center with the necessary information for handling the notification.

447.2.2 DISPATCHING CALLS FOR SERVICE

(a) The following procedure for dispatching of police calls for service are guidelines and are not meant to replace good judgment.

1. When a call that would normally be dispatched by MDC only contains details, which would warrant additional voice dispatch, voice dispatch will be provided.

    (a) All calls that may involve officer safety information will be dispatched by voice regardless of priority.

(b) Supervisors are responsible for reviewing pending calls in CAD via their MDC. Should the supervisor have instructions for dispatch on how the call should be handled, they will notify dispatch by MDC or voice communication.

(c) Officers will follow department protocol for handling calls as a primary unit or cover unit. Officers are expected to remain in assigned districts and handle calls within the district unless otherwise directed by a supervisor.

(d) All Priority 1 and Priority 2 calls will be dispatched via the MDC with simultaneous voice broadcast.

1. When an Officer notifies the communications center that he/she is en route by voice communication, the communications center will acknowledge the Officer by voice communication and enter the information into CAD.

2. When an Officer notifies the communications center that he/she is en route by MDC, the communications center will acknowledge the Officer by voice communication.

3. When an Officer notifies the communications center of his/her arrival on scene by voice communication, the communications center will acknowledge the Officer by voice communication and enter the unit on scene into CAD.

4. When an Officer notifies the communications center of his/her arrival on scene via MDC, the communications center will acknowledge by voice communication.

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5. The Officer will request a case number prior to clearing the call.

(e) Priority 3 calls will be dispatched via the MDC with a short broadcast over the air announcing the dispatch. For example;

1. "Unit (radio number) dispatched by MDC to a cold assault".

   (a) The Officer should verbally acknowledge the announcement.

   (b) When the Officer places him/herself enroute, the call is considered acknowledged.

   (c) The Officer will be responsible for placing him/herself enroute and arrived, unless unable to do so.

   (d) If a case number is required the Officer will notify the communications center prior to clearing the call.

(f) Priority 4 calls will be dispatched via MDC and confirmed by the communications center via voice communication.

1. The Officer will be responsible for placing themselves enroute and arrived, unless unable to do so.

2. If a case number is required, the Officer will notify the communications center prior to clearing the call.

447.2.3 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.2.4 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:All contacts or activity shall be documented at the time of the contactWhenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

447.2.5 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.Other changes in status may be entered by depressing the appropriate keys on the MDC's.

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447.2.6 CAD, LINCS AND CAR-TO-CAR MESSAGING

(a) MDC messaging, CAD messages, CAD calls and CAD access via LINCS shall have a reasonable communicative purpose and must be authored in a professional business-like manner, which would be considered acceptable as public record.

1. Non-urgent communications to the communications center or car-to-car are permitted only after the needs of the citizens, members and co-workers are met and content is in keeping with the professionalism dictated by Police Department policies.

2. Communications shall not be used to harass, annoy or alarm any recipient or third party.

3. Communications shall not contain language, acronyms or symbols representing language that would be considered offensive or obscene to a reasonable person.

4. Content of any communication shall not bring discredit to any public safety employee (including coworkers) or the public safety agency.

5. Content shall not bring unwarranted discredit to a member of the public.

6. Communications shall not contain any home address or telephone number of law enforcement personnel unless that employee has given express permission to transmit the information.

7. Communications shall not contain any slanderous statements toward any group, organization or individual.

(b) In the event that an MDC fails or the entire system fails, Officers will revert to voicecommunications until such time as the system or unit is brought back on line.

(c) All unit or system failures shall be reported to a supervisor at the earliest opportunity.

(d) The MDC will ordinarily be left secured in the vehicle to which it is assigned.

1. In instances where the MDC fails, the vehicle will be placed out of service and reported as with any other vehicle maintenance problem.

447.3 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).

447.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Supervisors.

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

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business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS rules and policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

447.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor 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.

447.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

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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.

447.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure the Shift Supervisor is 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.

447.6 EQUIPMENT CONSIDERATIONS

447.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify WVCC. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

447.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

447.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-21-2009	Effective: 10-28-2009
Updated: Lexipol 6/2011 - D-11-007	Effective: 7-25-2011
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Updated: D-15-001 — 3-18-2015	Effective: 4-2-12015
Updated: Lexipol 5/2015 -- D-15-016	Effective: 12-14-2015
Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Review: As Needed	
Accreditation Standards: None	

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Portable Audio/Video Recorders

449.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this [department/office] while in the performance of their duties. Portable audio/video recording devices include all recording systems whether hand held or integrated into portable equipment (ORS 133.741).

This policy does not apply to body worn cameras, mobile audio/video recordings, interviews or interrogations conducted at any Newport Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

449.2 POLICY

The Newport 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/Office] by accurately capturing contacts between members of the [Department/Office] and the public.

449.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any [department/office]-issued device at any time, and any recording made while acting in their official capacity of this [department/office], regardless of ownership of the device it was made on, shall remain the property of the [Department/Office]. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

449.4 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/Office], 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.

When using a portable recorder, the assigned member shall record his/her name, NPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

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449.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify WVCC

(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.

449.5.1 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/office] member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

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449.5.2 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.

449.5.3 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.

449.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using [department/office]-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/office]-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate [department/office] business purposes. All recordings shall be retained at the [Department/Office] or by any [department/office]-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for [department/office]-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.

449.6.1

449.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

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(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.

449.8 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/Office] who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

449.9 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.

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449.10 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).

449.10.1 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.

449.10.2 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 Newport 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 Newport Police Department (ORS 133.741).

449.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-7-07	Effective: 12-3-2007
Updated: Lexipol 12/2008 - D-09-001	Effective: 3-2-2009
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-2011
Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-2012
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-2013
Updated: Lexipol 10/2014 — D-14-007	Effective: 10-30-2014
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Updated: Lexipol 1/2017 -- D-17-006	Effective: Pending
Review: As needed	
Accreditation Standards: None	

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Medical Marijuana

451.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this [department/office] with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Oregon's medical marijuana laws (ORS 475B.785 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

451.1.1 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).

451.2 POLICY

It is the policy of the Newport 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 Newport Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the [Department/Office].

451.3 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.

451.3.1 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.

451.3.2 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.

451.3.3 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).

451.3.4 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/office] resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor Control Commission (ORS 475B.831; ORS 475B.136).

(e) Registration or proof of registration under ORS 475B.785 to ORS 475B.949 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475B.922).

(f) As a licensing authority, the Oregon Liquor Control Commission may assist with related questions regarding recreational marijuana (ORS 475B.070).

451.3.5 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).

451.3.6 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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451.4 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.

451.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor shall ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed, harmed, neglected, or injured. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants (ORS 475B.922).

Marijuana should not be returned to any person unless authorized by the Detective Section supervisor and upon advice of [city/county] counsel. Any court order to return marijuana should be referred to [city/county] counsel.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Section supervisor.

451.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-22-2009	Effective: 4-29-2009
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-2013
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2016
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 10/2016 -- D-17-003	Effective: 4-2-2017
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: Lexipol 10/2018 -- D-18-005	Effective: 11-19-2018
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Even Years	
Accreditation Standards: None	

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Foot Pursuits

457.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

457.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

457.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

457.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders them incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

457.5 RESPONSIBILITIES IN FOOT PURSUITS

457.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officers unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting media aid as needed for officers, suspects or members of the public.

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457.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who are in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

457.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

457.6 REPORTING REQUIREMENTS

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Any injuries and/or medical treatment.

(h) Any property or equipment damage.

(i) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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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.

457.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-2009		Effective: 7-29-2009
Reviewed: 2-3-2013		
Updated: Lexipol 12/2013 -- D-13-021		Effective: 1-10-2014
Reviewed: 11-4-2015 (606)		
Updated: Lexipol 12/2015 — D-16-001		Effective: 1-26-2016
Review: Odd Years		
Accreditation Standards: None		

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Bicycle Patrol Unit

459.1 PURPOSE AND SCOPE

The Newport Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

459.2 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 officers' mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Supervisor.

459.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to the Patrol Lieutenant thru the chain of command. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor, and second person to be selected by the BPU 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 BPU supervisor, and made by the Patrol Division Commander.

459.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining the inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

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(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Patrol Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

459.3.2 EXPECTATIONS

All officers assigned to the Mountain Bike detail will be expected to ride as frequently as possible. During the months between November and March, each officer will be required to log a minimum of (12) hours per month actual ride time. For the months of April to October, at least (18) hours of total ride time will be logged. The only exception to this requirement will be for periods of extended illness or injury or for officers assigned to the Field Training Team when they are actually involved with a recruit.

When an officer is deployed on the Mountain Bike, they will be expected to make frequent citizen and business contacts, become involved in other law enforcement activities and/or work or participate in community activities. Such activity may include, but is not limited to, security checks, traffic enforcement, community events such as organized bike events, parades, and marathons or other runs or educational opportunities at the schools.

Activity logs will be completed and submitted to supervisors prior to securing from duty anytime an officer has dressed down and ridden during a regular duty shift or special events. Blank activity logs will be kept in the bike room, and in the Department forms bin. Supervisors will initial receipt of the activity log and forward them to the Bike Team supervisor.

459.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health, and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

459.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

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The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other 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 sweaters 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.

459.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries, and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color, with a Police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights, and a horn satisfying the requirements of § 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, including report writing, vehicle storage, and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information, and user manuals.

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 program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly, to 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.

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Patrol bicycle batteries shall be rotated on the assigned charger at the end of each 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 supervisor.

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.

459.7 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.

459.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-20-2000	Effective: 5-20-2000
Updated: 5-2-2004	Effective: 7-7-2004
Updated: 12-22-2010 -- D-10-009	Effective: 12-22-2010
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Review: Even years	
Accreditation Standards: None	

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Homeless Persons

463.1 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 Newport Police Department recognizes that members of the homeless community are often in need of special protection and services. The Newport 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.

463.1.1 POLICY

It is the policy of the Newport 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.

463.2 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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463.3 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.

463.3.1 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.

463.4 HOMELESS ENCAMPMENTS

Officers who encounter encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not immediately remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

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463.4.1 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, officers shall:

(a) If individuals are present, advise violators that they are camping on public property and such encampments are illegal.

(b) Post the area with a notice in English and Spanish advising the violators to vacate within 24 hours. This same notice shall list a local agency that delivers social services to homeless individuals.

(c) Notify the agency listed on the posting of the campsite's location.

(d) Obtain a case number and prepare a police report documenting the incident.

The 24-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping violation is occurring or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, or when there is immediate danger to human life or safety (ORS 203.079).

463.4.2 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 Newport Camping Ordinance.

463.4.3 CAMPING IN CITY PARKS

Illegal campers found in City parks during hours the parks are closed may be cited or arrested for violation of park rules.

463.5 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)).

All property collected for safekeeping shall be stored for a minimum of 30 days. The property and evidence technician shall ensure that reasonable efforts are made to inform the owner of

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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.

463.6 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.

463.7 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.

463.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 6-30-2010	Effective: 7-15-2010
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Review: As Needed	
Accreditation Standards: None	

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Public Recording of Law Enforcement Activity

464.1 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.

464.2 POLICY

The Newport 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.

464.3 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.

464.4 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.

464.5 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.

464.6 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.

464.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 1-11-2016 — 16-001 Effective: 1-26-2016

Updated: Lexipol 8/2016 -- D-16-008 Effective: 8-18-2016

Review: As Needed

Accreditation Standards: None

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Suspicious Activity Reporting

465.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

465.1.1 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.

465.2 POLICY

The Newport 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.

465.3 RESPONSIBILITIES

The Investigation Operations Lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for [department/office] participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Operations Lieutenant include, but are not limited to:

(a) Remaining familiar with those databases available to the [Department/Office] 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/Office].

(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/Office] 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).

465.4 REPORTING AND INVESTIGATION

Any [department/office] 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.

465.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Detective Section supervisor
- Crime Analysis Unit
- Other authorized designees

465.6 ADOPTION / REVIEW / ACCREDITATION

Adopted:D-15-01612-7-2015 Effective:12-14-2015

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Suspicious Activity Reporting

Updated: Lexipol 7/2020 -- D-20-006

Effective 7-20-2020

Review:As Needed

Accreditation Standards:None

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Crisis Intervention Incidents

466.1 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.

466.1.1 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.

466.2 POLICY

The Newport 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.

466.3 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.

466.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Operations Lieutenant 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.

466.5 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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466.6 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.

466.7 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. This includes:

(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.

466.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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(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 Operations Lieutenant.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

466.9 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.

466.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

466.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn 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 may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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466.11 EVALUATION

The Operations Lieutenant 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.

466.12 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.

466.13 ADOPTION / REVIEW / ACCREDITATION

Adoption: D-15-016 — 2-7-2015 Effictive: 12-14-2015

Review: As Needed:

Accreditation Standards: None

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First Amendment Assemblies

467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

467.2 POLICY

The Newport Police Department respects the rights of people to peaceably assemble. It is the policy of this [department/office] not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe [department/office] members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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467.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating [department/office] performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

467.4 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 WVCC, 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.

467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

467.5.1 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).

467.5.2 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.

467.5.3 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).

467.6 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.

467.7 FORCE RESPONSE

Force Response is governed by current department policy and applicable law (see the Force Response, 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 force resonse 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.

467.8 ARRESTS

The Newport 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).

467.9 MEDIA RELATIONS

The Chief of Police or designee 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).

467.10 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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467.11 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, WVCC records/tapes

(g) Media accounts (print and broadcast media)

467.11.1 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.

467.12 TRAINING

[Department/Office] members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The [Department/Office] should, when practicable, train with its external and mutual aid partners.

467.13 ADOPTION / REVIEW / ACCREDITATION STANDARDS

Adoption:D-15-016—12-7-2015	Effective:12-14-2015
Updated: Lexipol 10/2016 -- D-17-003	Effective: 4-2-2017
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review:Annual	

Accreditation Standards:None

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Medical Aid and Response

468.1 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.

468.2 POLICY

It is the policy of the Newport Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

468.3 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 WVCC 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 WVCC 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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468.4 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.

468.5 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.

468.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

468.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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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 Operations Lieutenant Operations Lieutenant 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/Office] 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/office] 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.
- 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.

468.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a course with published standards and guidelines for CPR and the use of an AED.

468.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in [department/office] 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 Operations Lieutenant who is responsible for ensuring appropriate maintenance.

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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 WVCC as soon as possible and request response by EMS.

468.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

468.8.3 AED TRAINING AND MAINTENANCE
The Operations Lieutenant should ensure appropriate training is provided to members authorized to use an AED.

The Operations Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

468.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Only members who possess a current and valid certification may administer opioid overdose medication or members may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the member (OAR 333-055-0110; OAR 333-055-0115).

468.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Operations Lieutenant.

Any member who administers an opioid overdose medication should contact WVCC as soon as possible and request response by EMS.

468.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Operations Lieutenant will ensure that the Operations Lieutenant is provided enough information to meet applicable state reporting requirements.

468.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Operations Lieutenant should ensure training and retraining is provided to members authorized to administer opioid overdose medication. Training shall be coordinated with the Oregon Health Authority, Public Health Division (OAR 333-055-0110).

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468.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

468.11 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).

468.11.1 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 Operations Lieutenant.

Any member who administers epinephrine should contact WVCC as soon as possible and request response by EMS.

468.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

468.11.3 EPINEPHRINE TRAINING

The Operations Lieutenant should ensure that training is provided to members authorized to administer epinephrine (ORS 433.815; ORS 433.817; OAR 333-055-0030).

468.12 FIRST AID TRAINING

Subject to available resources, the Operations Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

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468.13 ADOPTION / REVIEW / ACCREDITATION

Adoption: D-15-016 — 2-7-2015 Effective: 12-14-2015

Review: Annual

Accreditation Standards: None

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Civil Disputes

469.1 PURPOSE AND SCOPE

This policy provides members of the Newport 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.

469.2 POLICY

The Newport 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.

469.3 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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469.4 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.

469.4.1 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.

469.5 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.

469.6 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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469.7 ADOPTION / REVIEW / ACCREDITATION

Adoption: D-15-016 — 12-7-2015 Effective: 12-14-2015

Review: As Needed

Accreditation Standards: None

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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/office] provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Newport Police Department. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This [department/office] does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating an officer's overall performance. The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Officers attempting to enforce traffic laws shall be in Newport Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority (ORS 810.400). Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Officers at the scene of a traffic accident and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense (ORS 810.410(4)).

500.3.3 PHYSICAL ARREST
Officer may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

(a) Driving Under the Influence of Intoxicants.

(b) Hit-and-Run.

(c) Attempting to Elude.

(d) Reckless Driving with extenuating circumstances.

(e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to ORS 810.410.

Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

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500.5 HIGH-VISIBILITY VESTS

The Newport Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of [department/office] members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; OAR 437-002-0134).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

A high-visibility vest is issued to each officer. The officer is required to carry the vest with him/her when on patrol and to maintain the vest in a serviceable condition.

A supply of high-visibility vests will be maintained for the volunteers.

500.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-29-2009	Effective: 8-4-2009
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Reviewed: 9-9-2015 (600)	
Updated: Lexipol 3/2017 — D-17-004	Effective: 7-3-2017
Review: As Needed	
Accreditation Standards: OAA 1.10.1, 2.4.1, 2.4.3	

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Professional Traffic Stops

501.1 PURPOSE AND SCOPE

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so along as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

This law enforcement agency is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion, or belief system.

Because of the nature of their business, law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is the proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.

This policy is intended to assist law enforcement in accomplishing this total mission is an way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers, that if they break the law, they are likely to encounter police.

501.2 POLICY

It is the policy of the this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that all citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing or are about to commit an infraction of the law.

501.3 DEFINITIONS

Racial profiling: the detention, interdiction, or other disparate treatment of any person on a basis of their racial or ethnic status or characteristics.

Reasonable suspicion: also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

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501.4 PROCEDURE

(a) The Department's efforts will be directed toward assigning officers to those areas where this is likelihood that crime will be prevented through proactive patrol.

(b) Officers receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills.

(c) Training programs emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

(d) Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

(e) Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Each time a motorist is stopped, the officer shall radio to the dispatcher the reason for the stop, the location of the stop, the description of the person and/or vehicle description so this information can be logged.

(f) The department recognizes that with experience, individual officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in the order specified below:

    (a) Give a greeting, such as " Good morning ma'am", " Good evening sir", etc.

    (b) Identify yourself. Ex: " I am officer Smith of the Newport Police Department.

    (c) State the reason why the person is being stopped or detained. Ex: " I stopped you because I saw your vehicle come through a stop sign at the last intersection without coming to a complete stop." (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.) Enforcement It

    (d) It may defuse tension to ask a motorist if there was some reason for the violation. This giving them the opportunity to " have their say", often leads to an admission that the violator realized that they were in violation and precludes the defendant from offering a different excuse at trail. If you choose not to ask but the motorist wishes to give you a reason or excuse, listen politely and give them ample opportunity to tell their story.

    (e) Politely ask for identification and any required documents. Ex: " May I please see your license, registration and proof of insurance?"

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(f) After completing any necessary paperwork, inform the driver or pedestrian, as to what action is being taken and what, if any action the person must do as a result, such as how to pay any fine involved, obtain a traffic court hearing, etc.

(g) Give an appropriate closing. For example, if the motorist was cooperative, " Thank you for your cooperation" may be in order. Do not use the trite expression, " Have a nice day", which would be inappropriate in these circumstances. " Please drive carefully, you safety is important to us" is more appropriate.

(h) Make sure the driver is able to merge safely back into the traffic stream.

(g) Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. The proper form must be filled out by the officer, and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. It is strongly recommended that consent searches only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate " consented to search but refused to sign", inserting initials and the signature of any witness in the signature block.

(h) If the police cruiser is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated until the person is released and resume their journey.

(i) In the absence of a specific, credible report containing a physical description, an person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

(j) The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender or sexual orientation or a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action up to and including dismissal.

(k) If the department provides public information pamphlets to officers regarding the purpose of proactive enforcement, officers may distribute the pamphlet to each person subjected to such activities, whenever appropriate.

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501.5 COMPLAINTS OF RACIAL/ETHNIC PROFILING

(a) Any person may file a complaint with the Department if they feel they have been stopped or searched based on racial, ethnic, or gender based profiling, and no person shall be discouraged, intimidated, or coerced from filling such a complaint, or discriminated against because they have filed such a complaint.

(b) Any officer contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form, which may be mailed or delivered in person to headquarters, and shall record the person's name, address, and telephone number and report the contact to the officers supervisor prior to the end of shift.

(c) Supervisors receiving such a report shall forward it to the Chief of Police. All complaints shall be reviewed, the complaint acknowledged to the complainant in writing, and the complaint shall be informed of the results of the department's review within a reasonable period of time. The report and the reviewer's conclusion shall be filed with the Chief of Police, and shall contain findings and suggestions for disciplinary action or changes in policy, training, or tactics.

(d) On an annual basis, the department shall create a statistical summary of all profiling complaints for the year, including findings to whether they were sustained, not sustained or exonerated.

(e) Supervisors, shall review profiling complaints, periodically review a sampling of in-car video tapes of stops, reports filed on stops by officer, and respond at random to backup officers on vehicle stops, and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or teams.

(f) The Records Department will inform the sergeants what data is available on the race of persons stopped, and after consultation with the sergeants, produce periodic reports on traffic stops by race and gender.

501.6 ADOPTION / ACCREDITATION / REVIEW

Adopted: 11-15-2000	Effective: 11-15-2000
Review: Odd Years	
Accreditation Standards: None	

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Newport 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.

502.2 RESPONSIBILITY

The Shift Supervisor will be responsible for proper investigation and reporting of motor vehicle crashes. Traffic crashes will be documented using the Oregon Police Traffic Crash Report and/or the Department's Information Exchange form. The Operations Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

The type of documentation of a crash is determined by the level of the incident: Exchange of information when there is a property damage only crash where the estimated damage amount is less than $1,500.00. An Oregon Police Traffic Crash Report shall be completed when an officer responds to the scene of a crash and the damage amount to a single vehicle is more than $1,500.00, or an occupant of any vehicle is injured, or the investigating officer intends to take enforcement action. A full investigation, including scale diagram, shall be completed when there are major life threatening injuries and/or a fatality.

502.3.1 HIT AND RUN CRASHES

When one of the drivers in a crash fails to perform the duties of a driver and leaves the scene, the investigating officer will conduct a criminal investigation and complete a crime report. Should the crash meet the criteria of Policy 502.3, a Traffic Crash report will also be completed.

502.3.2 DUI INVOLVED CRASH

Should a driver be found to be impaired due to alcohol and/or drugs, the investigating officer will conduct a criminal investigation and complete a crime report. A Traffic Crash Report will be completed in all cases.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic crash investigation reports shall be taken when a publicly owned vehicle is involved in a traffic crash upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a City of Newport Vehicle Accident Report form shall be completed and forwarded to the Chief of Police.

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Photographs of the collision scene and vehicle damage shall be taken.

502.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES
When an employee of this Department, either on-duty or off-duty, is involved in a traffic collision within the City limits of Newport resulting in a serious injury or fatality, the Shift Supervisor may notify the Oregon State Police for assistance.

The term "serious injury" is defined as any injury that results in hospitalization.

502.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS
The Operations Lieutenant or Shift Supervisor may request assistance from the Oregon State Police for the investigation of any traffic collision involving any Newport official or employee where a serious injury or fatality has occurred.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports shall not be taken for collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or an officer issues a citation for a traffic violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

502.4.6 LATE REPORTED TRAFFIC CRASHES
Late reported traffic crashes are those where an officer was not on the scene to investigate the crash. Should an involved individual wish to have the crash documented, an officer may document the crash with a brief statement on a Crime Report.

502.4.6 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 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-29-2009	Effective: 8-4-2009
Updated: 8-20-2012 - D-12-007	Effective: 8-20-2012
Updated: 3-2-2015 — D-15-001	Effective: 4-2-2015
Review: As Needed	
Accreditation Standards: OAA 2.4.2	

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Newport Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those officers impounding a vehicle are as follows.

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 Section as soon as practicable after the vehicle is stored.

Records Division personnel shall promptly enter pertinent data from the completed vehicle impound report into the state's Law Enforcement Data Systems (LEDS).

Once a vehicle impound report is approved and forwarded to the Records Section, it shall be placed into the auto-file at the front desk to be immediately available for release or for information should inquiries be made.

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 WVCC.

If the owner is incapacitated, or for any reason it is necessary for the [Department/Office] to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a no preference towing company. The officer will then have the vehicle towed to the tow company's storage lot for safekeeping, and complete a Vehicle Impound form.

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510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Police [Department/Office] should not be driven by police personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

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.

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 the impound report along with information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released (ORS 819.180). The notice shall include:

(a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.

(b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.

(c) That the vehicle is subject to towing and storage charges, 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.

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510.3 TOWING SERVICES

The City of Newport periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When a vehicle is being held as evidence in connection with an investigation

(b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the [Department/Office] to tow a vehicle.

510.3.1 NO PREFERENCE TOW SERVICES

Upon proper application, the [Department/Office] may approve qualified towing services to be called when a citizen needs towing but has no preference as to which service to call.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to the police [department/office] for investigation. The [department/office] may periodically review the performance of each authorized no preference operator.

The [Department/Office] 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/office] to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would

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present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene).

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.

The following are examples of situations where the arrestee's vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:

- The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.
- When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.
- Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall inform the arrestee and note in the report that the [Department/Office] will not be responsible for theft or damages.

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

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vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

(d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

(e) Any valuables, to include cash in excess of $10 or property valued at more than $200, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.

(f) The inventory is not a search for evidence of a crime, however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.

(g) Tow truck operators are to receive a copy of the tow report.

These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the [Department/Office] against fraudulent claims of lost, stolen, or damaged property.

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.

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).

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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 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 Newport 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.

510.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-7-2007	Effective: 12-3-2007
Updated: Lexipol 1/2008 - D-08-007	Effective: 4-13-2008
Updated: Lexipol 6/2009 - D-09-008	Effective: 6-30-2009
Updated: Lexipol 1/2010 - D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2010 - D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-2011
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Reviewed:3-1-2015	
Updated: Lexipol 10/2017 -- D-17-009	Effective: 12-27-2017
Reviewed: 7-2-2019	
Updated: Lexipol 10/2018 -- D-19-003	Effective: 7-26-2019
Review: Odd Years	
Accreditation: None	

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Vehicle Forfeiture

511.1 PURPOSE AND SCOPE

This policy provides the procedure for seizing a vehicle under the Lincoln County DUII Vehicle Forfeiture ordinance 2.3000.

511.1.1 FORFEITURE OF MOTOR VEHICLE BEING DRIVEN BY PERSON WHO IS UNDER THE INFLUENCE OF INTOXICANTS

A motor vehicle is a nuisance and is subject to civil forfeiture if the motor vehicle is being driven by a person who is under the influence of intoxicants in violation of ORS 813.010 and the person:

(a) Has previously been convicted of, or forfeited bail or security for, driving while under the influence of intoxicants, or its statutory counterpart in any jurisdiction, within ten years before the date of the commission of the present offense;

(b) Has a charge of driving while under the influence of intoxicants, or its statutory counterpart in any jurisdiction, pending on the date of commission of the present offense;

(c) Has previously participated in a driving while under the influence of intoxicants diversion program, or any similar alcohol or drug rehabilitation program in this state or any other jurisdiction, within ten years before the date of commission of the present offense;

(d) Is participating in a driving while under the influence of intoxicants diversion program, or any similar alcohol or drug rehabilitation program in this state or in any other jurisdiction, on the date of commission of the present offense;

(e) Has previously been convicted of, or forfeited bail or security for, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle in this state, or in any other jurisdiction, within ten years before the date of the commission of the present offense; or

(f) Has a charge of murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle in this state, or in any other jurisdiction, pending on the date of commission of the present offense.

511.2 PROCEDURES AND LIMITATIONS APPLICABLE TO FORFEITURE PROCEEDINGS BROUGHT UNDER LCC 2.3000

If the suspect meets the criteria for a DUII seizure, the Police Officer will request a non-preference tow for the vehicle to be towed to the Lincoln County Impound Yard.

The vehicle will be impounded and inventoried according to Policy 510.

The Police Officer will promptly serve a Notice to Potential Claimant form upon the arrested driver (prior to release from jail) and all registered owners of the vehicle, and promptly forward a copy of the police report and seizure notice to Lincoln County County Counsel.

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Nor withstanding LCC chapter 10, forfeiture proceedings under LCC 2.3000 shall be subject to the procedures and limitations set forth in ORS Chapter 475A and the Oregon Constitution, Article XV, Section 10.

511.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-2-11	Effective: 3-2-11
Review: 2014	
Accreditation Standards: None	

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those [department/office] members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Newport 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.

514.3 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 Operations Lieutenant 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 documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer’s observations that indicate impairment on the part of the individual, and the officer’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.

(e) The location and time frame of the individual’s vehicle operation and how this was determined.

(f) Any prior related convictions in Oregon or another jurisdiction.

514.4 FIELD TESTS

The Operations Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

(a) The arresting officer has reasonable grounds to believe that the person was DUI.

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(b) The person is arrested for DUI and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).

(c) The person is arrested for DUI and was involved in an accident resulting in injury or property damage (ORS 813.131).

(d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was DUI.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH SAMPLES

The Operations Lieutenant 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 Operations Lieutenant.

514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.3 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.

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514.5.4 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).

514.5.5 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).

514.5.6 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).

514.6 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.

514.6.1 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).

514.6.2 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

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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.

514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when legal and practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 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

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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.

514.7.2 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).

514.8 RECORDS SECTION RESPONSIBILITIES

The Operations Lieutenant will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Operations Lieutenant will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.10 TRAINING

The Operations Lieutenant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Operations Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

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514.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-09	Effective: 3-28-09
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Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-13
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-13
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Reviewed:11-13-15	
Updated: Lexipol 12/2015 — D-16-001	Effective: 1-26-2016
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Review: As Needed	
Accreditation Standards: OAA 2.4.1, 2.4.2	

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from an officer or recipient to dismiss a citation shall be referred to a supervisor for a review of the circumstances involving the issuance 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.

516.3 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to Records.

516.4 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and an integral part of the citation is in need of correction, the officer issuing the citation shall submit a "Motion to Amend" form to the court. Integral parts of a citation include the defendant's name, date/time of offense, location of offense, and the offense.

Officers also may make a motion to amend the citation in court, prior to the start of the case.

516.5 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

516.6 JUVENILE CITATIONS

For traffic offenses, there is an automatic waiver to adult court for juveniles 15 years or older. Should a juvenile not fall into this category, the juvenile shall be cited into Juvenile Court. The date/time of appearance should be listed as "To Be Notified".

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516.7 ADOPTED / REVIEW / ACCREDITATION

Adopted: 12-30-09	Effective: 1-6-10
Review: Odd years	
Accreditation Standards: OAA 2.4.1	

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72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the ORS or Newport City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of ORS 819.110.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Newport 72-Hour Parking Ordinance shall be marked and noted on the Newport Police Department Marked Vehicle Card. No case number is required at this time.

(a) A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. An abandoned Tow “Green Sticker” shall be prominently attached to a window in a manner that does not block a driver’s visibility.

(b) All Marked Vehicle Cards shall be submitted to the Recocrds Division for computer data entry.

(c) If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Records Division.

(d) Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

524.2.1 MARKED VEHICLE FILE

The Records Division shall be responsible for maintaining a file for all Abandoned Vehicle Cards.

The Parking Enforcement Officer, the Community Service Officer, or patrol officers shall be responsible for the follow-up investigation of all 72-hour parking violations noted on the Abandoned Vehicle Cards.

524.2.2 VEHICLE IMPOUND

Officers will be detailed to check on abandoned tows by the Records Division. If the vehicle is still in place, the officer will notify the Records Division who will order a tow for the vehicle.

When the tow company notifies the Records Section that the vehicle has been towed, Records personnel shall enter the vehicle into LEDS.

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Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle. Records personnel shall mail to the legal and registered owners of the stored vehicle a certified letter which contains information describing the location of the vehicle, the procedures for its release, and the owner's right to a hearing, (ORS 819.180(1)). Vehicles Impounded under this section may be subject to hearing procedures outlined in Policy Manual § 512.

524.3 VEHICLE DISPOSAL

If, after 30 days from the custody, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a vehicle impound hearing has been made, the Department may provide the lien holder storing the vehicle with authorization to dispose of any vehicle which has been appraised at a value of $500 or less.

If the vehicle is appraised at more than $500, the vehicle and contents shall be sold at public auction (ORS 819.210).

524.3.1 APPRAISAL

Vehicles disposed of under this policy must be appraised by an appraiser certified by the Department of Transportation (ORS 819.215).

524.4 IMPOUND HEARING

When a vehicle is stored under this section by any member of the Newport Police Department, a hearing will be conducted upon the timely request of any person who reasonably appears to have an interest in the vehicle.

524.4.1 HEARING PRIOR TO IMPOUNDMENT

If an interested person requests a hearing prior to the impoundment of the vehicle, the vehicle will not be towed until the hearing is held, unless it constitutes a hazard.

524.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-7-07	Effective: 12-3-07
Update: Lexipol 12/08 - D-09-001	Effective: 3-2-09
Review: As Needed	
Accreditation: None	

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Radar Reader Board

527.1 PURPOSE AND SCOPE

It is the policy of the Newport Police Department to utilize the Reader Board as much as possible during the daylight hours. It has proven to be a useful piece of equipment in the education of drivers as to their actual speeds.

527.2 DEPLOYMENT

The Radar Reader Board is a valuable piece of equipment. If it were damaged to any great extent, we may not have sufficient budgetary support or allowance to make repairs. This would be a direct loss to our Department and may affect overall efficiency and the effectiveness of this Department.

In order to make the best use of the Reader Board, it is necessary to assign responsibility for its use.

(a) It is the responsibility of the sergeant who is working the day shift to make sure that the Reader Board is displayed in the morning, and for checking it during the day.

(b) It is the responsibility of the sergeant work nights to make sure that the Reader Board is returned to the Department, parked, and plugged in for overnight charging.

The Radar Reader Board is not to be left out overnight, unless it is being used as part of a special enforcement effort.

527.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 2-10-00	Effective: 2-10-00
Updated: 8-30-10	
Review: Even Years	
Accreditation Standards: None	

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 POLICY

It is the policy of the Newport 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. When required, the Department will coordinate investigations with the Lincoln County Major Crime Team.

600.2 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

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 Shift Supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 MAJOR CRIME / INCIDENT INVESTIATIONS

600.4.1 MEMBERSHIP IN TEAMS

The Newport Police Department will participate and be a full member in the Lincoln County Major Crime Team and the Lincoln County Major Crash Team. The Department will participate in other teams or task forces on an as needed bases to benefit the Department and community. Department members will follow the guidelines in the various agreements for these teams.

600.4.2 RESPONCE AVAILABILITY

The Operations Lieutenant will ensure that Department members assigned to the Major Crime Team and the Major Crash Team will be available to respond to call outs on a 24 hour - 7 day a week basis.

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

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(b) The interview is conducted anywhere else and the officer is wearing a body-worn camera.

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should document the refusal in his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the 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 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.

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(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this [department/office]. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using [department/office] equipment.

Information obtained via the internet should not be archived or stored in any manner other than [department/office]-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any [department/office] computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

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Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Operations Lieutenant or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.11 ADTOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: Lexipol 5/2015 — D-15-016	Effective: 12-14-2015
Updated: D-16-002 - 3-25-2016	Effective: 3-31-2016
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
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Updated: Lexipol 10/2019	Effective: 2-14-2020
Review: As Needed	
Accreditation Standards: OAA 3.3.1	

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Case Management

601.1 PURPOSE AND SCOPE

Case management is a system to manage investigative resources. The process involves regulating case flow, monitoring investigative activities, assessing individual performance, and providing victims of crime with information regarding their case.

Regulating case flow insures that investigative resources are applied to those cases and investigations that can most benefit from expenditure of investigative resources. This is done by case screening and assignment using solvability factoring, establishing deadlines of reporting investigative progress, and managing investigative caseloads.

601.2 POLICY

It is the policy of the Newport Police Department to maximize the effectiveness of investigative resources by assigning to them only those cases that have a high probability of solution, or those cases that require specialized skills.

601.3 PRELIMINARY INVESTIGATIONS

(a) Initial Response - Uniformed patrol officers will normally respond to each crime reported to the Newport Police Department. Many times the most important factor in solving a crime is the information supplied to the first responding officer by a victim or witness. A responding patrol officer will generally conduct the preliminary investigation of most crimes, and will be responsible to call for any other assistance that may be needed. The shift supervisor may request, through the Detective Sergeant, that a detective respond when a non-uniformed response is necessary or more appropriate.

(b) Preliminary Investigations - Preliminary investigations begin when the officer arrives at the scene of an incident, first makes contact with the complainant, or becomes aware that a crime has been or is being committed. The officer initially assigned will be responsible to conduct the preliminary investigation to its final conclusion, or until there is a transfer of responsibility of the case.

(c) The nature of certain incidents may require the immediate assignment of a detective:

    (a) Deaths of a violent or suspicious nature;

    (b) Felony sex crimes of a violent nature;

    (c) Felony assaults involving serious injury;

    (d) Armed robberies;

    (e) Arson in the First Degree;

    (f) Any crime requiring the expertise of a detective.

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Many times the preliminary investigation is carried to a successful conclusion with the arrest of a suspect. At this point, the case will be considered closed by arrest.

- Citizen Report Forms- Citizens that walk up to the Records counter, call in by phone, or access our website may be given or mailed a self-reporting form to fill out. This may be done at the Records counter and assigned a case number at that time, or may be mailed to Records for processing. Normally, this form will be used for those reports of minor incidents such as thefts, car clouts, vandalism, etc., where there are no suspects, no evidence to indicate who the suspect is, or any other leads to follow up.

601.4 FOLLOW UP INVESTIGATIONS

Follow up investigations may be completed by the initial responding officer, or assigned to the Detective Unit. The Detective Sergeant, using the guidelines of solvability factoring and case screening, determines follow up assignments.

(a) Case Screening - Case screening is the manner of deciding whether or not to continue an investigation. Case screening is designed to provide sufficient information about a case at the earliest possible point in the investigative process to permit a decision on the desirability of investing additional resources. Screening on the basis of potential solvability maximizes Department resources by eliminating cases that are of low priority and unlikely to be solved. Case screening helps manage and supervise officers and detectives by providing them with realistic expectations, and dedicates resources to solving cases that will result in the probability of clearance by arrest.

(a) Case screening begins when the initial responding officer completes his/her initial report. The officer should then complete a Case Solvability Factoring form that will accompany the police report to the Records Division. Case Solvability factoring contains objective factors that have been shown in studies (the Rand Study, Stanford Research Institute Report) to be the factors that determine whether or not a case is solved. In other words, if one of the factors in not present, there is little chance of the crime being solved. The factors are assigned a point value by answering the factor question positively. The factors are:

(a) Can the suspect be named? 10

(b) Is the suspect known? 7

(c) Can the suspect be identified? 4

(d) Can the suspect be described? 2

(e) Was there a witness to the crime: 3

(f) Can the suspect vehicle be identified? 5

(g) Is stolen property traceable? 2

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(b) The maximum possible aggregate point total for a crime is 36 points. All cases with an aggregate point value of ten (10) or more points will be assigned for follow up investigation.

(b) Assigning Follow Up Investigations - After the officer completes his/her report, the report will be submitted to the Report Approval basket, if in paper form, or by computer for supervisory approval. After a supervisor approves the report and the accompanying Case Solvability Factoring form, they will be forwarded to the Records Division. Records personnel will then review the Case Solvability Factoring form to determine which cases and accompanying Case Solvability forms will be copied and placed in the case assignment basket to be assigned by the case assignment sergeant for follow up investigation. Cases may be assigned to patrol personnel or to Detectives, based on their type and nature as determined by the case assignment sergeant. Most property crimes and minor crimes against persons will be assigned to patrol, usually to the original investigation officer. Serious crimes against persons, and in extreme cases serious property crimes, will usually be assigned to detectives.

(a) To a great extent, the Detective Unit serves the patrol officers. The patrol officers handle much of the investigative load. A detective may be called to assist a patrol officer on a case only if a Patrol Sergeant or Detective Sergeant determines the need for investigative resources according to the following criteria:

(a) The detective has special knowledge or expertise, including interviewing skills, that would materially enhance the investigation.

(b) A suspect is known, but is not in custody, and there is a need for an immediate follow up and apprehension.

(c) The nature of the investigation precludes patrol officers from completing the investigation due to unusual constraints, including investigation out of the city.

(d) A suspect is known and in-custody, and is providing information that would be valuable in clearing other serious offenses.

(e) Other unusual situations that have been approved by the Detective Sergeant.

(f) The Chief of Police has been notified of any call-out for a serious crime, or when overtime will be required to conduct the follow up investigation.

601.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-15-02	Effective: 4-15-02
Review: Even Years	
Accreditation Standards: None	

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Case Management

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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.

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 Newport 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.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

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.

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.

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610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) A person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

610.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-29-12	Effective: 8-12-12
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-13
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Review: As needed	
Accreditation Standards: None	

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Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called " information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

-Information known or possessed by the Newport Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Newport 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 Newport 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.

612.3 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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612.4 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 information. If 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 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.

    (a) 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 material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

    (a) 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 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 information. The obligation to provide information is ongoing. If any new information is identified, the prosecuting attorney should be notified.

612.5 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.

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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612.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 1-4-2013 -- D-13-001	Effective: 1-19-2013
Review: As Needed	
Accreditation Standards: OAA 1. 5. 6	

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Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. For the purpose of this policy, a UAS includes a drone, as defined by ORS 837.300.

613.2 POLICY

A UAS may be utilized to enhance the [department/office]'s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current (OAR 738-080-0045).
- Ensuring that all authorized operators and required observers have completed all required FAA and [department/office]-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Ensuring that the UAS is registered with the Oregon Department of Aviation (ORS 837.360).
- Developing protocols for storage, security, and access to data collected by the UAS (ORS 837.362).
- Developing protocols if a third party is used for the storage of data, including handling, security, and access to the data by the third party (ORS 837.362).
- Developing protocols for disclosing data collected by the UAS through intergovernmental agreements (ORS 837.362).
- Publishing the [department/office] policies and procedures regarding the use, storage (including third party storage), accessing, sharing, and retention of data collected by the UAS, including the text of ORS 192.345 on the [department/office] website or other publicly accessible system (ORS 837.362).

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

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Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

The UAS shall only be operated by the [Department/Office] (ORS 837.320; ORS 837.330; ORS 837.335):

(a) Pursuant to a valid warrant authorizing its use.

(b) When there is probable cause to believe that a person has committed a crime, is committing a crime or about to commit a crime, and exigent circumstances exist that make it unreasonable to obtain a warrant authorizing the use.

(c) With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.

(d) As part of search and rescue activities, as defined in ORS 404.200.

(e) When assisting an individual in an emergency if there is a reasonable belief that there is an imminent threat to the life and safety of the individual.

1. A report shall be prepared documenting the factual basis for the belief.
2. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court describing the nature of the emergency and the need for the use of the UAS.

(f) During a state of emergency declared by the Governor, if:

1. The UAS is used for preserving public safety, protecting property or conducting surveillance that will be used to assess and evaluate environmental or weather-related damage, erosion or contamination.
2. The UAS is operated only in the geographical area specified in the Governor's proclamation.

(g) For the purpose of reconstructing a crime scene or accident scene, or a similar physical assessment, that is related to a specific investigation, as provided by ORS 837.340.

(h) For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person 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.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (ORS 837.365).

The UAS shall not be used in any way that causes interference with an aircraft that is in the air, taking off, or landing (ORS 837.374).

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule (ORS 837.362).

613.8 REPORTING

The Records Section supervisor shall ensure that an annual report is provided to the Oregon Department of Aviation that summarizes the frequency of UAS use and the purpose for the use, and indicates how the public can access the [department/office]'s policies and procedures regarding the use of data resulting from the use of UAS as required by ORS 837.360.

613.9 APPROVAL / ACCREDITATION / REVIEW

Approved:D-14-010 - 12-21-2014	Effective:1-5-2015
Updated:Lexipol 12/2015 -- D15-017	Effective: 12-31-2015
Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
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Review:As Needed	
Accreditation Standards:None	

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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 Newport 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 LIEUTENANT

The Operations Lieutenant (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Operations Lieutenant 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 Force Response 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 Newport Police Department are utilized appropriately. Any concerns regarding the requested use of Newport 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 Shift Supervisor should assume this role.

If officers intend to serve a warrant outside Newport 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 Newport Police Department when assisting outside agencies or serving a warrant outside Newport 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 Operations Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

614.13 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-14-2015	Effective: 10-31-2015
Review: Even Years	
Accrditation Standards: OAA 1.2.2, 1.2.3	

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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 Newport 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 LIEUTENANT

The Operations Lieutenant 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 Lieutenant will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Lieutenant 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 Lieutenant 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 Lieutenant, 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. 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 Lieutenant 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 Lieutenant shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the Operations Lieutenant 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 Lieutenant to ensure that WVCC 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 WVCC, 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 Operations Lieutenant should ensure officers who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

615.12 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-14-2015 Effective: 10-31-2015

Reveiw: Annually

Accreditation Standards: None

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Sexual Assault Investigations

616.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

616.1.1 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.

616.2 POLICY

It is the policy of the Newport 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.

616.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

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

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

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616.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

616.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

616.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

616.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to WVCC, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

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An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

616.7.1 POLYGRAPH EXAMINATION OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 through ORS 163.575, shall not be required to submit to a polygraph examination as a prerequisite to filing criminal charges (34 USC § 10451; ORS 163.705).

616.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. When a victim agrees to participate in a medical assessment, the officer shall contact a victim advocate and make reasonable efforts to ensure that the advocate is present and available at the medical facility if such notification has not already been made by medical personnel (ORS 147.404).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Unless the victim has chosen to remain anonymous, sexual assault kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing (ORS 181A.325).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

616.8.1 COLLECTION AND TESTING REQUIREMENTS

A sexual assault forensic evidence kit shall be obtained from a medical facility within seven days after the medical facility notifies the [Department/Office] that the kit has been collected. The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the [Department/Office] receives the kit from the medical facility and accompanied with information sufficient to allow OSP to prioritize testing. Sexual assault kits shall not be submitted in cases where the victim has chosen to remain anonymous (ORS 181A.325).

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If a victim chooses to file a sexual assault report at a later time, the sexual assault kit associated with the report shall be reclassified as a non-anonymous kit and submitted for testing to the OSP within 14 days of the reclassification (ORS 181A.325).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

616.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the crime victim liaison as provided in the Victim and Witness Assistance Policy.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

616.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Section supervisor.

Classification of a sexual assault case as unfounded requires the Detective Section 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.

616.10 CASE REVIEW

The Detective Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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616.11 ADOPTION / REVIEW / ACCREDITATION

Adopted:D-15-016 — 12-7-2015	Effective:12-14-2015
Updated: Lexipol 12/2016 -- D-17-001	Effective: 3-9-2017
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: Lexipol 1/2018 -- D-18-002	Effective: 3-3-2018
Updated: Lexipol 10/2018 -- D-19-003	Effective: 7-26-2019
Review:Even Years	

Accreditation Standards:OAA 2.2.11

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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.

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 Operations Lieutenant shall be responsible for developing and maintaining procedures for the inventory control of department property.

700.2.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

  1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Operations Lieutenant, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

  2. A review of the incident by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

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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 Operations Lieutenant, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.3.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Newport 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 Operations Lieutenant which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

700.4 POLICY

Members of the Newport Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.5 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or the appropriate Operations Lieutenant. The member should submit a request that includes the description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

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.

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700.5.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper form. This form is submitted to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Operations Lieutenant, 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.

700.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-7-2007	Effective: 12-3-2007
Reviewed: 10-13-2014 / 603	
Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Review: Even Years	
Accreditation: 1.6.3, 2.5.2	

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Inventory Management and Control

701.1 PURPOSE AND SCOPE

To ensure that procedures are in place for accounting for Department-owned property, equipment, and other assets. Department-owned property is defined as assets valued at $5,000 or more, all weapons, radios, electronic/computer equipment, uniforms, and other property deemed essential to police operations. Items of a consumable nature, e.g., ammunition, paper, inc, etc., are not considered "assets" in the context of this policy.

701.2 POLICY

It is the policy of the Newport Police Department to maintain a system of accountability for its real property, all equipment, vehicles, and expendable property. The Department will utilize a computerized inventory database that includes a bar code system to track the Department's property, equipment, and other assets as defined above. The Department may also use a less sophisticated system to document the control of significant expendable supplies that are easily transportable, and of common or extraordinary value, e.g., new tires, badges, etc.

701.3 PROCEDURE

Responsibility for monitoring and maintaining inventory of the Department owned property is assigned to the Executive Assistant to the Chief of Police (EAC)

The EAC will be the central receiving pint when property is delivered to the Department. Asset inventory bar code numbers will be affixed prior to the property being delivered to the appropriate member of the Department. Equipment that should display a bar code label include, but are not limited to, officer furniture; electronic equipment (cameras and camera equipment); electronic surveillance equipment; computer equipment (monitors, CPUs, scanners, printers, laptops, and related equipment); office equipment (copy machines, fax machines, shredders, adding machines) miscellaneous equipment (power tools) any other equipment designated by the Chief of Police.

Due to the construction characteristics of certain pieces of equipment (e.g., weapons, flashlights, protectives vests, etc.), affixing an inventory bar code label may be impractical or impossible. They may be tracked by the manufacturer's serial number, an assigned radio identifier, or other possible methods.

701.4 ANNUAL INVENTORY

Each supervisor will conduct an annual physical inventory of those items assigned to their respective divisions or teams. A summary of the inventory's results will be forwarded to the Chief of Policy by the EAC.

701.5 MAINTENANCE OF ISSUED EQUIPMENT

Employees are responsible for maintaining their issued equipment in a state of operational readiness. They will promptly report any deficiency, malfunction, or loss to their immediate

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supervisor. Defective or worn equipment will be returned to the EAC prior to issuance of the replacement item.

701.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-2-2012	Effective: 11-17-2012
Review: As Needed	
Accreditation Standards: OAA 1.6.3	

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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.

702.2 POLICY

The Newport Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

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.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

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.

(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 Newport 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

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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.

(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.

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(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.

702.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: Lexipol 8/2015 -- D-15-011	Effective: 10-31-2015
Review: As Needed	
Accreditation Standards: None	

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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.

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 department armory 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.

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:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket

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- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 3 Hazardous waste disposal bags
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

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 authorized location. Vehicles should be fueled at the end of each shift.

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.

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Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

704.7 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

704.8 FLEET MANAGEMENT

A Department supervisor will be designated as as the Fleet Manager for the Department. The Fleet Manager and his/her designee will be responsible for managing fleet resources effectively and efficiently. The Fleet Manager will monitor, review and evaluate all Department vehicles, radios and related peripheral equipment. The Fleet Manager will report directly to the Operations Lieutenant and act as a liaison with private and public vendors who provide repair, replacement and other services related to the Department's vehicle fleet and related equipment.

In addition to keeping accurate records of vehicle assignments, radios and related peripheral equipment, the Fleet Manager and his/her designee will maintain accurate records of repair, replacement and other costs related to the operation of Department vehicles. The Fleet Manager will work in conjunction with the Department's Executive Assistant to maintain inventory of fleet equipment. This includes maintaining accurate records with Oregon DMV on all vehicles operated by the Department.

The goal of the Fleet Manager and his/her designee is to provide vehicles and related equipment to the staff of the Department that are safe to operate in a cost effective manner as dictated by available resources and Department policy.

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704.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 4-24-2008		Effective: 5-10-2008
Updated: 3-26-2013 - D-13-006		Effective: 3-26-2013
Updated: Lexipol 12/2015 — D-16-001		Effective: 1-26-2016
Review: Odd years		
Accreditation Standards: OAA 2.5.2, 2.5.3		

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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 Newport to provide assigned take-home vehicles.

706.2 POLICY

The Newport 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

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

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 UNSCHEDULED USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Supervisor of the reason for use and a notation will be made on the shift roster indicating the operator’s name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

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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 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 WVCC. 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 Operations Lieutenant approval.

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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.

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 NON-SWORN MEMBER USE
Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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.

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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.

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 Newport 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 Newport is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Newport may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

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 Operations Lieutenant gives authorization.

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(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 Operations Lieutenants and there is a high probability that the member will be called back to duty.
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 Operations Lieutenants.
4. When the vehicle is being used by the Chief of Police, Operations Lieutenants 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.

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706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Newport Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

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) All weapons shall be removed from any vehicle left for maintenance.

(f) 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 divisions and their use is restricted to the respective division 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 division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Supervisor 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).

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Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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.

706.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-08	Effective: 10-22-08
Updated: Lexipol 12/2008 -- D-09-001	Effective: 3-2-09
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-10
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-11
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-13
Reviewed: 3-2-2015 (603)	
Updated: D-15-001 -- 3-18-2015	Effective: 4-2-2015
Updated: Lexipol 8/2015 -- D-15-011	Effective: 11-14-2015
Review: Odd Years	
Accreditation: 2.5.1, 2.5.2, 2.5.3	

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Float Vests

707.1 PURPOSE
The purpose of the Department float vest policy is to provide an extra degree of safety for its officers when they are operating in and around waterways or the ocean.

707.2 POLICY
It is the policy of the Newport Police Department to provide its officers an extra measure of safety in the event they find themselves in the water and in need of safety flotation.

707.3 USE
Officers are encouraged to use the float vests whenever they anticipate being around water in such areas as the Port Docks, ocean beaches, City reservoir, or any other body of water. The use of the float vests will be solely at the discretion of the officer.

707.4 MAINTENANCE
Each vehicle utilized by the Newport Police Department will be equipped with an automatic float vest. It will be stored in a "dry bag" in the trunk of the vehicle.

707.5 INSPECTION
Each officer will check the condition of the vest prior to going on duty. The officer will report any damage or inflation of the vest to their Sergeant as soon as practical. Any damaged or inflated vest will be taken out of service.

707.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-29-04	Effective: 11-14-04
Review: Even Years	
Accreditation Standards: None	

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Automatic External Defibrillators

709.1 PURPOSE

The purpose of the Newport Police Automatic External Defibrillator (AED) policy is to provide immediate first aid action to victims of cardiac arrest. Department members on patrol may arrive at the scene of a possible cardiac arrest prior to the arrival of emergency medical services. When a cardiac arrest occurs, seconds and minutes may mean the difference between life or death. The issued AEDs may be used to assist the revival and recovery of victims.

709.2 POLICY

It is the policy of the Newport Police Department to assist its officers in using the provided AEDs and maintain them in a ready and useful manner. The Department will also provide training in the use of the AEDs and in CPR.

709.3 PROCEDURES

709.3.1 TRAINING

All members of the Newport Police Department will receive American Red Cross AED training and familiarization by an approved American Red Cross trainer.

709.3.2 MAINTENANCE

Prior to each shift, each officer shall check the AED to make sure the unit battery level is sufficient. Officers should replace pads and other supplies as soon as possible after use. If an AED has failed to function in any manner, it should be taken out of service, and a Sergeant notified as soon as practical so the unit can be repaired and returned to service. The Sergeant will check the unit to see what, if any, malfunction has occurred, and return the unit to service if applicable, or return the unit to the manufacturer for repairs.

709.3.3 DEPLOYMENT

Each patrol officer/sergeant shall check out an AED unit at the beginning of the duty shift. The unit will be placed in the trunk of their patrol vehicle. Officers equipped with AEDs are expected to bring the unit to any scene where it can be reasonable anticipated that AED use would be appropriate.

709.3.4 OPERATOR

Only officers that have received approved training should operate the AED. The AED will be used only as instructed in training, and in appropriate circumstances.

709.3.5 INSPECTION

Each officer shall inspect the AEDs daily by checking for:

(a) Cleanliness

(b) Proper operation

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(c) Damage

(d) Proper battery charge

(e) Expiration of dated materials

(f) Missing equipment

709.3.6 REPORTING

Should an AED actually be used, and a shock delivered, the unit should be given to the officer's sergeant as soon as practical. Anytime an AED is attached to a patient, it is considered to be an AED use, regardless of whether or not a shock is delivered.

a. The information stored in the unit will then be downloaded to a data base. The Sergeant will download the information from the AED into the Department's computer system in the LEDOCS folder.

b. The officer will then prepare a memorandum reporting the circumstances of the use and disposition of the patient, and whether or not the AED actually delivered a shock.

709.4 ADOPTION / REVIEW / ACCREDITATION

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Accreditation Standards: None	

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Thermal Imaging

711.1 PURPOSE

The purpose of this policy is to outline the appropriate use of the thermal imaging devices by Newport Police Department officers.

711.2 POLICY

It shall be the policy of the Newport Police Department to use thermal imaging devices only as directed by Department policy, and state and federal law. Equipment will be utilized only by personnel trained in its use, and in applications acceptable by the Department.

711.3 DEFINITIONS

: A structure existing for the purpose of trade or commerce.

: The area immediately surrounding a residence that "harbors the intimate activity associated with the sanctity of a person's home and the privacies of life." In determining curtilage, officers should consider:

- The distance from the home to the place claimed to be curtilage (the nearer the area to the home, the more likely it will be found to lie with the curtilage);
- Whether the area claimed to be the curtilage is included within an enclosure surrounding the home (inclusion within a common enclosure will make it more likely that a particular area is part of the curtilage);
- The nature of use to which the area is put (if it is the site of domestic activities, it is more likely to be a part of the curtilage); and
- The steps taken by the resident to protect the area from observation by people passing by (areas screened from view are more likely to be a portion of the curtilage).

: An area having no restricted access, and open to public view.

: A passive, non-intrusive system designed to detect heat variation among the objects in front of it, so as to produce an image indicating the presence of the heat-producing source. Thermal imaging devices are most useful in late night or early morning situations because of the absence of alternate heat/light sources.

711.4 AUTHORIZATION FOR USE

Officers who have been trained in the basic operation of the equipment are authorized to use thermal imaging equipment.

Only those officers who have received specialized certification "Level I" or above are authorized to use thermal imaging equipment in the following circumstances:

(a) Structure profiles or underlying building structure.

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(b) Known or assumed instances requiring testimony related to the equipment's operation or capabilities.

In all instances, officers utilizing thermal imaging equipment will refer to section 711.7 "Legal Considerations" of this chapter. Any further questions should be directed to a Supervisor or the Chief of Police.

711.5 REQUESTS FOR USE

Requests for use of equipment that originate outside the City must be approved by the on-duty supervisor prior to Newport Police personnel being dispatched to the location. Approval will be based on:

- Nature of the incident
- Availability of personnel

711.6 APPROVED LAW ENFORCEMENT APPLICATIONS

: Due to the fact that the human body gives off heat in the form of infrared energy, thermal imaging devices can be used to locate lost persons.

: Use of thermal imaging may permit search personnel to determine the location of an offender without necessitating a 'blind" sweep of an area. Enough officers can be deployed to the location to safely effect the arrest of a criminal.

: Thermal imaging equipment may be used to track a vehicle that had attempted to flee. Officers may be able to locate the now parked vehicle by detection of the heat emitted from the vehicle engine, tires, and brakes.

: Profiling a structure or curtilage through the use of thermal imaging is NOT allowed by this Department, except with a search warrant. (Kyllo v. U.S., 00-8508)

: This technology can be used to conduct non-destructive surveys of walls or floors of structures that are suspected of containing money, drugs, or other contraband. Detection is made based on the variation of the thermal absorption characteristics of building materials. This same principle applies to the detection of secret compartments in houses, or the detection of materials buried in recently disturbed soil.

: It has been found that toxic waste, oil spills, the residue of clandestine drug laboratories, and other pollutants generate heat differentials that are detectable by thermal imaging. These materials can be detected from long distances, even at night.

: The thermal imaging device can be utilized to establish a perimeter surveillance system a much reduced cost of manpower.

: The equipment may be used to locate suspects or other obstacles that could create a danger to police personnel. Officers are to be mindful of personal safety when using the vision-limiting viewfinders of the imagers.

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: The equipment may be used to conduct non-destructive surveys of vehicles, or containers attached to a vehicle, that may contain false or hidden compartments suspected of transporting illegal contraband.

: Once solar effects are no longer a factor, internal building heat will be detected based on the amount of heat and degree of insulation in the target structure.

- Nearby highly reflective materials, such as a car or trailer near the target building, may affect surveillance efforts.
- Do not attempt thermal surveillance of a building during daylight hours, or in the early evening.

: Trees and plants can cause a nearby wall or roof of a structure to become warmer since the tree/plant absorbs the heat during the day, and slowly radiates the heat at dusk and early evening.

- Since cool air sinks to low-lying areas, identical buildings at different elevations may exhibit different thermal images due to outdoor temperature inversion conditions.

: The thermal imaging of a suspect structure, and other similar structures for reference purposes, should be performed from the same direction. South and West walls absorb more solar heat.

- If the orientation of the thermal image cannot be held constant, the surveillance should be conducted very late at night, or very early in the morning.

: Different building materials will emit heat at varying rates.

- Differing radiation rates occur due to wall and roof color. These color differences should be noted in the daylight, even though most thermal imagery surveys are conducted in the late night or early morning hours.

: Conditions such as fog, clouds, rain, or snow present the thermal imager with numerous small surfaces (water droplets) between the imager and the structure being viewed. The imager will measure the heat from these small surfaces rather than the target object.

- High winds will significantly affect the cooling of building surfaces, both of radiated and the internal emitted heat.
- Thermal imagers are extremely useful in a smoke-filled environment for the detection of the fire's heat source, or in locating persons.

711.6.1 SEARCH AND RESCUE

Due to the fact the human body gives off heat in the form of infrared energy, thermal imaging devices can be used to locate lost persons.

711.6.2 LOCATING FUGITIVES

Use of thermal imaging may permit search personnel to determine the location of an offender without necessitating a "blind" sweep of an area. Enough officers can be deployed to the location to safely effect the arrest of the criminal.

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711.6.3 VEHICLE PURSUITS
Thermal imaging equipment may be used to track a vehicle that had attempted to flee. Officers may be able to locate the now parked vehicle by detection of the heat emitted from the vehicle engine, the tires, and the brakes.

711.7 LEGAL CONSIDERATIONS
Thermal imaging systems can be used to survey open fields, and other property open to the public. The officer must conduct the observation from a public vantage point where the operator has a right to be (such as public property,navigable airspace, or private property with the owner's permission).

711.8 TRAINING
Training on all thermal imaging equipment will be done by shift supervisors during briefing sessions.

711.9 ANNUAL TESTING
All thermal imaging equipment will be tested and inspected annually by a supervisor. Any repair or adjustments will be made.

711.10 REPORTING
When thermal imagers are used for specific needs with specific law enforcement goals, these uses will be documented. A memorandum will be completed and submitted to the officer's supervisor after each use. The completed form should be maintained and periodically checked to assist in using imagers in the most effective way possible.

711.11 STORAGE AND MAINTENANCE
The imagers will be stored in the same locked cabinet as the Taser equipment. This locker will be kept locked at all times. Due to the high cost of the thermal imaging equipment, it will be treated with the utmost care. Any damage, misuse, or repair needs will be immediately reported to the user's immediate supervisor.

711.12 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-19-05	Effective: 12-28-05
Review: Odd Years	
Accreditation Standards: None	

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Personal Protective Equipment

712.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the [Department/Office] 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.

712.1.1 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.

712.2 POLICY

The Newport Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

712.3 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.

712.4 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.

712.5 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.

712.6 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.

712.7 RESPIRATORY PROTECTION

The Administration Operations Lieutenant 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.

712.7.1 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.

712.7.2 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/office]-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.

712.7.3 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.

712.7.4 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.

712.7.5 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.

712.7.6 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.

712.8 RECORDS

The Operations Lieutenant 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/office] records retention schedule, 29 CFR 1910.1020 and OAR 437-002-0360.

712.9 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).

712.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2017 -- D-17-003 Effective: 4-2-2017

Review: Annually

Accreditation Standards: OAA
1.5.7

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- 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

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.

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/Office] for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

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 tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right-hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the processing room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate Property Record.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker, and appropriate entry documented in RMS.

804.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.

(b) License plates found not to be stolen or connected with a known crime should be released directly to the property and evidence technician or placed in the designated

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container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician or placed in the bicycle storage area.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Shift Supervisor shall be contacted for cash in excess of $1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence, it is important that such evidence be collected, handled, and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 163A.005. The property and evidence technician will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

804.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The Newport Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Investigation Division, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this [department/office] that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

(a) Respond promptly to the medical facility to retrieve the evidence.

(b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

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(c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.

(d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

A SAFE Kit collected for a victim whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

804.3.7 REPORTS
A written report will be prepared which details how the evidence/property came into the officer's possession, specifically describing each item of property obtained.

804.3.8 STORAGE OF SURRENDERED WEAPONS
Officers shall accept and store any weapons and ammunition from an individual who has been ordered by a court pursuant to an extreme risk protection order (ORS 166.527) or a protection order or judgment of conviction subject to the provisions of ORS 166.255 to surrender weapons and ammunition. The officer receiving the surrendered items shall prepare a property receipt and provide the individual with a copy. The officer should promptly forward the original receipt to the Operations Lieutenant 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.

(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

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 property tag shall be securely attached to the outside of all items or group of items packaged together.

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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 narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

804.4.3 EXTRA SECURITY MEASURES

The Property Custodian will segregate firearms, narcotics and cash from general evidence. Firearms and narcotics will be stored in a separate secured room and all cash will be stored in a safe.

804.4.4 BIOHAZARD MATERIAL

Any evidence or property that has been contaminated with any bio-hazardous material shall be packaged in leak proof container. Clothing will probably need to be dried first in the secure dryer. All packages/containers will be marked with the universal bio-hazard label.

804.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record where the property will be stored in the RMS.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and will match the RMS.

Any changes in the location of property held by the Newport Police Department shall be noted in the RMS.

804.6 PROPERTY ROOM SECURITY

Access to the Property Room is limited to property and evidence technicians unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a property and evidence technician.

Annual independent audits will be completed of the Property Room function with an audit report to the Chief of Police.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

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Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after the booking of property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

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 Property Room module of the CRIMES RMS, noting the date, time and to whom released.

The Property / Evidence Custodian 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 the Property Room, or properly released to another authorized person or entity.

The return of the property shall be recorded in the Property module of the CRIMES RMS indicating the date, time, and person who returned the property.

804.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the property and evidence technician without further authorization. A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered in the RMS, the release form will be filed in the case file.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

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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.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a property and evidence technician will request a disposition authorization from the DA's office and the assigned officer or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Newport Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Newport Police Department may wish to file an interpleader to resolve the disputed claim (Oregon Rules of Civil Procedure § 31) .

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Property/Evidence Custodian will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into 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/Office] may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

- He/she may lawfully possess the deadly weapon.

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- He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- He/she will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with [Department/ Office] policies and procedures for disposal of deadly weapons (ORS 166.540).

804.6.9 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/office] 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 and evidence technician shall request a disposition or status on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

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 Newport Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Newport 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.

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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

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section supervisor shall ensure that no biological evidence held by the [Department/Office] is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence Section supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the [Department/Office] within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigation Operations Lieutenant should be consulted and the sexual assault victim should be notified.

The Property and Evidence Section supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits, including anonymous kits, shall be retained by the [Department/Office] no less than 60 years after the collection of the evidence (ORS 181A.325).

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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.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the [Department/Office] shall be conducted by a Operations Lieutenant appointed by the Chief of Police who is not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

804.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-16-2007	Effective: 1-15-2007
Updated: Lexipol 1/2008 -- D-08-007	Effective: 4-13-2008
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-2011
Updated: Lexipol 12/2011 -- D11-014	Effective: 12-31-2011
Updated: 6-26-2012 -- D-12-002	Effective: 6-26-2012
Updated: 10-17-2012 -- D-12-010	Effective: 11-1-2012
Updated: 2-21-2013 -- D-13-005	Effective: 3-8-2013
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-2013
Updated: 10-11-2013 -- D-13-018	Effective: 10-26-2013
Updated: Lexipol 8/2015 -- D-15-011	Effective: 10-31-2015
Updated: Lexipol 12/2015 -- D-16-001	Effective:1-26-2016
Updated: 2-10-2016 — D-16-002	Effective: 2-25-2016
Updated: Lexipol 12/2016 -- D-17-001	Effective: 3-9-2017
Updated: Lexipol 1/2018 -- D-18-002	Effective: 3-3-2018
Updated: Lexipol and 693 10/2018 --D-19-003	Effective: 7-26-2019
Updated: Lexipol 10/2019	Effective: 2-14-2020
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Annually	

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Property and Evidence

Accreditation: OAA 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6, 3.3.7, 3.3.8, 3.3.9, 3.3.10	

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Records Section

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Newport Police Department Records Section. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Newport Police Department to maintain [department/office] records securely, professionally, and efficiently.

806.3 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

806.4 REPORTING CRIME STATISTICS

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Section personnel to enter such information into the Newport 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).

806.5 RETENTION OF RECORDS

The retention period of reports and similar records is governed by Oregon Administrative Rules (Secretary of State - Archives Division 200). When that period is reached, the records will be shredded, on site, under the direction of the Records Supervisor.

806.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-8-2008	Effective: 7-23-2008
Update: Lexipol 12/2008 -- D-09-001	Effective: 3-2-2009
Update: Lexipol 1/2010 -- D-10-001	Effective: 1-20-2010
Updated: Lexipol 8/2015 — D-15-011	Effective: 10-31-2015
Updated: Lexipol 8/2016 — D-16-008	Effective: 8-18-2016
Updated: Lexipol 2/2019 — D-19-003	Effective: 2-27-19
Review: Even Years	

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Records Section

Accreditation: OAA 3.2.1, 1.10.2	

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Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

808.2 PROCEDURE

Any firearm coming into the possession of the Newport Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

The Property / Evidence Custodian receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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808.2.3 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.2.4 FIREARM TRACE
After the serial number has been restored or partially restored by the criminalistics laboratory, the Property / Evidence Custodian will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF system.

808.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

808.4 ADOPTED / REVIEW / ACCREDITATION

Adopted: 12-30-09	Effective: 1-6-10
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-11
Review: Odd years	
Accreditation Standards: None	

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Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of [department/office] records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The Newport Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

(a) Managing the records management system for the [Department/Office], including the retention, archiving, release, and destruction of [department/office] public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).

(b) Maintaining and updating the [department/office] records retention schedule, including:

1. Identifying the minimum length of time the [Department/Office] must keep records.
2. Identifying the [department/office] division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of [department/office] public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4)(5)).

(g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain [department/office] records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any [department/office] member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

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810.4.1 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the Attorney General or the District Attorney, the [Department/Office] will have the burden to support the denial (ORS 192.401; ORS 192.415).

810.4.2 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

(a) Requests for public records shall be made in writing.

(b) The [Department/Office] is not required to create records that do not exist.

(c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.

(d) A written acknowledgement shall advise the requester of one of the following:

1. The [Department/Office] is the custodian of the requested record.
2. The [Department/Office] is not the custodian of the requested record.
3. The [Department/Office] is uncertain whether the [Department/Office] is the custodian of the requested record.

(e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of a receipt of the request, the Custodian of Records shall:

1. Complete the response to the records request or;
2. Provide a written statement that the request is being processed and a reasonable estimated date on when the response should be completed based on the information currently available.

(f) A request for records is considered complete when:

1. Access or copies of the requested public records are provided to the requester, if no exemption applies or an explanation is provided to the requester where the records are publicly available.
2. A written statement is sent to the requester that an exemption exists and that access is denied.

(a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the [department/office]-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

3. A written statement is sent to the requester that the [Department/Office] is not the custodian of records for the record requested.

4. A written statement that state or federal law prohibits the [Department/Office] from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the [Department/Office].

(g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the [Department/Office] has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or the [Department/Office] has denied a request for a fee waiver, the request shall be closed.

(h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.

(i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained (ORS 192.324).

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any [department/office] record, including traffic collision reports, is restricted except as authorized by the [Department/Office], and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).

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1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

(c) Member identification badge or card as provided in ORS 192.371.

(d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS 181A.825).

(e) A photograph of public safety personnel without the written consent of that member (ORS 181A.830).

(f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.830; ORS 192.345(12)).

(g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).

(h) Certain juvenile records (ORS 419A.255; ORS 419A.257).

(i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).

(j) Audio or video records of internal investigation interviews (ORS 192.385).

(k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).

(l) Ongoing litigation records, including those created in anticipation of potential litigation (ORS 192.345(1)).

(m) Certain identifying information of an individual that has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.

(n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).

(o) Any public records or information prohibited by federal law (ORS 192.355).

(p) Any public records or information prohibited, restricted, or made confidential or privileged under Oregon law (ORS 192.355).

(q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).

(r) Records of a person who has been in the custody or under the lawful supervision of a state agency, a court, or a unit of local government are exempt from disclosure for 25 years after termination of such custody or supervision. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).

(s) Audio or video recordings from a member's body-worn camera that record the member's interaction with members of the public. Such recordings may only be disclosed under the conditions provided by ORS 192.345, including facial blurring.

(t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. Personal information for this purpose means individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number,

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identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).

(u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the [Department/Office] (ORS 131.935).

(v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).

(w) Images of a deceased person or parts of a deceased body that are part of a law enforcement agency investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased person's family (ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

810.6 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/Office] so that a timely response can be prepared.

810.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the [department/office] name and to whom the record was released.

Each audio/video recording released should include the [department/office] name and to whom the record was released.

810.8 EXPUNGEMENT

Expungement orders received by the [Department/Office] shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist (ORS 137.225).

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810.9 EXPUNGEMENT OF RECORDS

Upon receipt of an Expungement Order from any Circuit Court in Oregon, the following procedure will be followed:

(a) Expungement orders will be fowarded to the Office of the Chief of Police

(b) All paper doucments identifed by the Court will be collected

(c) All electronic files identifed by the Court will be deleted

(d) The paper documents will be collected and sealed in a plain envelope

(e) A notiation on the envelope will include the Name of the Court, Court file number and date of action

(f) The appropriate notification of completion of the expungement will be made to the Court.

(g) The expunged file will be kept in a secure file within the Office of the Chief of Police

810.10 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.

(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 Newport Police Department should also notify consumer reporting agencies.

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(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.

810.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-7-2007		Effective: 12-3-2007
Updated: Lexipol 6/2010 -- D-10-004		Effective: 7-15-2010
Updated: Lexipol 12/2010 -- D-11-001		Effective: 1-12-2011
Updated: Lexipol 6/2011 -- D-11-007		Effective: 7-25-2011
Updated: Lexipol 12/2011 -- D-11-014		Effective: 12-31-2011
Updated: Lexipol 8/2012 -- D-12-009		Effective: 8-29-2012
Updated: Lexipol 6/2013 -- D-13-016		Effective: 7-15-2013
Updated: Lexipol 12/2013 -- D-13-021		Effective: 1-10-2014
Updated: Lexipol 8/2015 -- D-15-011		Effective: 11-14-2015
Updated: Lexipol 12/2015 — D-16-001		Effective: 1-26-2016
Updated: Lexipol 8/2016 -- D-16-008		Effective: 8-18-2016
Updated: Lexipol 10/2016 -- D-17-003		Effective: 4-2-2017
Updated: Lexipol 10/2017 -- D-17-009		Effective: 12-27-2017
Updated: Lexipol 1/2018 -- D-18-002		Effective: 3-3-2018
Updated: Lexipol 10/2018 -- D18-005		Effective: 11-15-2018
Updated: Lexipol 10/2019		Effective: 2-14-2020
Updated: Lexipol 7/2020 -- D-20-006		Effective: 7-20-2020
Review: Odd Years		

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Accreditation Standards: OAA 1.7.1, 3.2.1		

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Protected Information

812.1 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 Newport Police Department. This policy addresses the protected information that is used in the day-to-day operation of the [Department/ Office] and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Newport 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.

812.2 POLICY

Members of the Newport 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.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the [Department/Office] to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and Law Enforcement Data System (LEDS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Newport 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.

812.4.1 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).

812.5 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 Operations Lieutenant for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the [Department/Office] may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other [department/office] members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

An individual may review his/her local record on file with the [Department/Office] under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This [department/office] will not release information originated by any other agency (ORS 192.410 through ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the [Department/Office] to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.6.1 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).

812.7 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.

812.7.1 LEDS TRAINING
All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member's duties. Each member who operates a terminal to access LEDS must be re-certified by the [Department/Office] every two years (OAR 257-015-0050).

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812.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008	Effective: 10-22-2008
Updated: Lexipol 8/2012 -- D-12-009	Effective: 8-29-2012
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Updated: Lexipol 10/2018 -- D-19-003	Effective: 7-26-2019
Review: As needed	
Accreditation Standards: OAA 3.2.2	

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Animal Control

820.1 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.

820.2 [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.

820.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding personnel generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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820.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, 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.

820.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

820.5.1 INJURED WILDLIFE

Injured wildlife should be referred to the Oregon Department of Fish and Wildlife or Oregon State Police, Fish and Wildlife Division.

820.6 POLICY

It is the policy of the Newport 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.

820.7 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.

820.8 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.

820.9 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,

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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).

820.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

820.11 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.

820.12 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.

820.13 RESCUE OF ANIMALS IN VEHICLES

A member who has a good-faith belief that entry into a motor vehicle is necessary because a domestic animal inside the vehicle is in imminent danger of suffering harm may enter the vehicle to remove the animal (ORS 30.813). Members should:

(a) Determine that the motor vehicle is locked or there is no other reasonable method for the animal to exit the vehicle.

(b) Make a reasonable effort to locate the owner before entering the vehicle.

(c) Take steps to minimize damage to the vehicle, using no more force than necessary to enter the vehicle and remove the animal.

(d) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(e) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and [Department/Office] of the member involved in the rescue.

(f) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

820.14 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: Lexipol 11/2016 -- D-17-003	Effective: 4-2-2017

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Animal Control

Updated: Lexipol 10/2017 -- D-17-009	Effective: 12-27-2017
Updated: Lexipol 10/2018 -- D-18-005	Effective: 11-19-2018
Review: As Needed	
Accreditation Standards: None	

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Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this [department/office] fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

822.2 POLICY

The Newport 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 Newport 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 Newport Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Newport 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.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

(a) Ensure that the Newport 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 Newport 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 Newport 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).

822.4 RECORDS COLLECTION AND RETENTION

The Operations Lieutenant is responsible for maintaining Newport Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this [department/office] or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7) and 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(12) and 34 CFR 668.46(c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus, residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Newport 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)).

822.4.1 CRIME LOG

The Operations Lieutenant 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 Newport Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the [Department/Office].

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(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police [department/office] or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Operations Lieutenant 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.

822.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-21-2011	Effective: 12-31-2011
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Updated: Lexipol 8/2015 — D-15-2015	Effective: 11-14-2015
Updated: Lexipol 10/2018 -- D-18-005	Effective: 11-19-2018
Review: As Needed	
Accreditation Standards: None	

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Chapter 9 - Custody

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Custodial Searches

900.1 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 Newport Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 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.

900.3 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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900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Newport Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 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 Newport Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4.3 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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900.5 STRIP SEARCHES

No individual in temporary custody at any Newport 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).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Newport Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Supervisor 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 Shift Supervisor.
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.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor 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 Shift Supervisor authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

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(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor 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 Shift Supervisor's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Operations Lieutenant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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900.8 CLOSED CONTAINER SEARCHES

Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

900.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008		Effective: 10-22-2008
Updated: Lexipol 1/2010 -- D-10-001		Effective: 1-20-2010
Updated: Lexipol 6/2010 -- D-10-004		Effective 7-15-2010
Updated: Lexipol 12/2012 -- D-13-001		Effective: 1-19-2013
Updated: Lexipol 12/2013 -- D-13-021		Effective: 1-10-2014
Updated: Lexipol 8/2016 — D-16-008		Effective: 8-18-2016
Review: As Needed		
Accreditation Standards: OAA 1.2.2, 2.1.7, 4.3.1, 4.3.4		

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Temporary Custody of Adults

903.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Newport Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

903.1.1 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 Newport Police Department prior to being released or transported to a housing or other type of facility.

903.2 POLICY

The Newport Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

903.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (ORS 169.005).

903.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Newport 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.

903.3.2 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.

903.3.3 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 Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

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903.4 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 Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

903.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Lieutenant Operations Lieutenant 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.

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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.

903.5 SAFETY, HEALTH AND OTHER PROVISIONS

903.5.1 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).

903.5.2 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor shall meet with those providing medical aid at the facility to allow access

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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 Newport Police Department. They should be released or transferred to another facility as appropriate.

903.5.3 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 Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

903.5.4 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.

903.5.5 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

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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.

903.5.6 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (ORS 169.078). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

903.6 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 Newport 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.

903.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

903.7 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 required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

903.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Lieutenant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Newport Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Supervisor, Chief of Police and Operations Lieutenant.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

903.9 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 Newport 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.

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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.

903.10 TRAINING

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

903.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: D-16-016 — 12-7-2015 Effective: 12-14-2015

Updated: Lexipol 8/2016 — D-16-008 Effective: 8-18-2016

Review: Odd Years

Accreditation Standards:
OAA 1.2.6, 2.1.7, 4.1.1, 4.2.1, 4.2.2, 4.3.1, 4.3.2, 4.3.4

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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 Newport Police Department and that are promulgated and maintained by the City Human Resources.

1000.1.1 JOB DESCRIPTIONS

The City of Newport has developed job descriptions for each paid position within the Department. The descriptions cover the most significant essential and auxiliary duties performed by the position for illustration purposes, but does not include other occasional work, which may be similar, related to, or a logical assignment for the position. The job descriptions do not constitute an employment agreement between the City and employee, and are subject to change by the City as the organizational needs and requirements of the job change.

The Department will review the various job descriptions on a bi-annual basis to ensure that they are up to date.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Newport Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The [Department/Office] does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The [Department/Office] will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 SELECTION PROCESS

(a) The selection process for sworn officer candidates for the Newport Police Department may include the following components:

  (a) A written test demonstrating a 12th grade reading and writing level in the English language.

  (b) Supplemental questionnaire.

  (c) Physical Ability Test (ORPAT).

  (d) Oral interview board.

  (e) A Comprehensive Background Investigation.

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(f) Psychological Exam.

(g) Physical Exam Minimum requirements mandated by Oregon Department or Public Safety Standards & Training (Oregon Administrative Rules 259-008-0010(8)).

(h) Drug screen.

(i) Physical and psychological examinations will be conducted as the final step in the selection process, after a conditional job offer is communicated.

(j) Integrity interview

(b) The selection process for non-sworn positions for the Newport Police Department may include the following components:

(a) Skill testing demonstrating proficiency in written and oral communications, and various tasks associated with the specific job applied for.

(b) Supplemental questionnaire.

(c) Oral interview board.

(d) A Comprehensive Background Investigation.

1000.3 RECRUITMENT

The Administration Operations Lieutenant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive [department/office] website and the use of [department/office]-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Operations Lieutenant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

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The [Department/Office] should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The [Department/Office] shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the [Department/Office] should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

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

1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Newport Police Department (OAR 259-008-0015).

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1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Administration Operations Lieutenant shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Administration Operations Lieutenant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The [Department/Office] fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Operations Lieutenant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior

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- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the [Department/Office] and the community.

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 City Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

(a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date

(b) Be at least 21 years of age

(c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(d) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
4. Any offense that would subject the candidate to a denial or revocation of a peace officer license

(e) Meet the moral fitness standards

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(f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree

(g) Complete a medical examination

(h) Meet the physical standards requirements

(i) Complete a psychological screening (ORS 181A.485)

(j) Complete a law enforcement skills proficiency test

1000.8 JOB DESCRIPTIONS

TheOperations Lieutenant should ensure that a current job description is maintained for each position in the [Department/Office].

1000.9 PROBATIONARY PERIODS

The Administration Operations Lieutenant should coordinate with the Newport City 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.

1000.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-30-2010	Effective: 9-15-2010
Updated: Lexipol 12/2010 - D-11-001	Effective: 1-12-2011
Updated: Lexipol 6/2011 - D-11-007	Effective: 7-25-2011
Updated: 8-8-2012 - D-12-006	Effective: 8-8-2012
Updated: Lexipol 5/2015 -- D-15-016	Effective: 12-14-2015
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: Lexipol 1/2018 -- D-18-002	Effective: 3-3-2018
Updated: Lexipol 10/2019	Effective: 1-28-2020
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Updated: Lexipol 8/2020 -- D-20-010	Effective: 8-15-2020
Review: As needed	
Accreditation Standards: OAA 1.5.1, 1.5.2, 1.5.7	

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The [department/office]'s employee performance evaluation system is designed to record work performance for both the [Department/Office] and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Newport 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/Office] evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1002.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered in the Reserve Officers Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

- Completed on the employee's date of hire anniversary date.

- If an employee is transferred from one assignment or shift to another, an evaluation shall be completed by the immediate supervisor before the transfer is made. A copy of the evaluation will be forwarded to the new supervisor.

- A special evaluation may be completed any time the rater or the rater's supervisor feels one is necessary because employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATING DEFINITIONS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee’s performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Operations Lieutenant). The Operations Lieutenant shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Operations Lieutenant shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City City Human Resources.

1002.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008	Effective: 10-22-2008
Updated: Lexipol 12/2011 - D-11-014	Effective: 12-31-2011
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Even years	
Accreditation Standards: 1.5.3	

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Special Assignments and Promotions

1004.1 POLICY

The Newport 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.

1004.2 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Newport Police Department.

1004.2.1 DEFINITIONS

- Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

- Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

1004.2.2 SWORN NON-SUPERVISORY ASSIGNMENTS

The following positions are considered transfers and are not considered promotions:

(a) Special Enforcement Team Officer
(b) Detective
(c) Traffic Officer
(d) Crash Investigator
(e) Field Training Officer
(f) Community Relations/Training Officer
(g) School Resource Officer
(h) K9 Officer
(i) DRE Officer
(j) Mountain Bike Officer
(k) Rangemaster / Firearms Instructor

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1004.3 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition that aids in their performance.

(c) Demonstrate the following traits:

(d) Emotional stability and maturity

(e) Stress tolerance

(f) Sound judgment and decision-making

(g) Personal integrity and ethical conduct

(h) Leadership

(i) Initiative

(j) Adaptability and flexibility

(k) Above standard evaluations for past three years

(l) Ability to conform to organizational goals and objectives in a positive manner.

(m) Must be in current good Department standing (i.e.: no active disciplinary action)

(n) Off probation

1004.3.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

(a) Two (2) years experience

(b) Expressed interest in the position

(c) Education, training, and demonstrated abilities in such related areas as, enforcement activities, investigative techniques, report writing, public relations, etc.

(d) Complete any training required by the Department of Public Safety Standards and Training or law enforcement association.

1004.4 SELECTION PROCESS

The following criteria apply to transfers.

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(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 Operations Lieutenant for whom the candidate will work. The Operations Lieutenant will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Operations Lieutenant after the interview, the Operations Lieutenant will submit his/her recommendation(s) to the Chief of Police.

(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.

1004.5 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the Newport City Human Resources Department. 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. Should the position be opened to individuals not currently employed by the Department, a regular hiring process will be utilized in addition to the process outlined in this section.

(b) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills to be evaluated:

    (a) Written exam

    (b) Oral Board

    (c) Specific skill testing

    (d) Assessment Center

    (e) Interview with the Chief of Police

The Chief of Police will make the final selection.

1004.6 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Newport City Human Resources.

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1004.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-8-2012 -- D-12-006	Effective: 8-8-2012
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Updated: Lexipol 10/2019	Effective: 1-28-2020
Review: As needed	

Accreditation Standards: OAA 1.5.4

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this [department/office] that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. This [department/office]'s philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

For the purposes of this procedure a grievance is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation, or application of any [department/office] policies or City rules and regulations covering personnel practices or working conditions, by the affected persons.

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any [department/office] employee that, if true, would constitute a violation of [department/office] policy federal, state, or local law, as set forth in the Personnel Complaints Policy.

1006.1.2 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.

1006.2 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 Operations Lieutenant of the affected division or division.

(c) If a successful resolution is not found with the Operations Lieutenant, 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.

1006.3 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.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager’s office to monitor the grievance process.

1006.5 ANNUAL REPORT OF GRIEVANCES

The Administration Operations Lieutenant 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 Operations Lieutenant 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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1006.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 9-1-10	Effective: 9-15-10
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Police Health Officer

1007.1 PURPOSE AND SCOPE

The Newport Police Department endeavors to create and maintain a safe work place and to mitigate any health risks that its employees may be exposed to, as well as keep them informed regarding current work practices.

1007.2 POLICY

It is the policy of the Department to have plans and systems in place to ensure its members are up-to-date on inoculations, such as hepatitis. The Health Officer will contribute to the Department's management of work-injured employees, specifically those who are exposed to communicable disease or other health risks, by:

(a) Providing prompt, comprehensive advice and information, and appropriate support

(b) Establishing, implementing, monitoring, and follow-up procedures

(c) Maintaining appropriate records (note: any records for specific employees shall be forwarded to the City Human Resources Department)

(d) Maintaining appropriate first aid and trauma kits

1007.3 BEST PRACTICES

The Department recognizes that best practices change. As technology and information change, so must the system or practices, so that all members' health and welfare are protected to the best of the Department's ability. To ensure police management is kept informed of relevant developments or changes in practice within the occupational health discipline, the Health Officer will:

(a) Keep up to date with best practice models, changes in legislation and medical advancements, and developing strategies to impart that knowledge to employees

(b) Develop and maintain professional networks internally and with external agencies to ensure the Department is introduced to contemporary health issues

(c) Maintain the development and implementation of health and safety policy by identifying potential risks to employee health which may result in injury or illness, and initiate strategies to eliminate or reduce them.

1007.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-29-09	Effective: 8-4-09
Review: Odd Years	
Accreditation Standards: OAA 1.5.5, 1.5.6, 1.5.7	

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Anti-Retaliation

1008.1 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.

1008.2 POLICY

The Newport 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.

1008.3 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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1008.4 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 HR Manager.

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.

1008.5 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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1008.6 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.

1008.7 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 Operations Lieutenant for investigation pursuant to the Personnel Complaints Policy.

1008.8 RECORDS RETENTION AND RELEASE

The Operations Lieutenant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

1008.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Updated: Lexipol 12/2016 -- D-17-001	Effective: 3-9-2017

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Anti-Retaliation

Review: Even Years	
Accreditation Standards: None	

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Hepatitis B Vaccinations

1009.1 PURPOSE AND SCOPE

Even with sound adherence to the specified exposure prevention practices, exposure incidents can occur. As a result, the Department provides Hepatitis B Vaccinations and procedures for post-exposure evaluation and follow-up, should exposure to blood borne pathogens occur.

1009.2 VACCINATION PROGRAM

To protect employees as much as possible from the possibility of Hepatitis B infection, the Department has implemented a HBV vaccination program. This program is available, at no cost, to all employees who have occupational exposure to blood borne pathogens. The vaccination program consists of a series of three inoculations over a six-month period.

As a part of blood borne pathogens training, all employees who risk exposure in their work receive information regarding Hepatitis vaccination, including its safety and effectiveness. Employees who elect to have inoculations must make an appointment with the SPCH Occupational Medicine Clinic and obtain a signed authorization from the Chief of Police prior to each vaccination.

Vaccinations are performed under the supervision of a licensed physician or other health care professional through the SPCH Occupational Medicine Clinic. Confidential employee medial records documenting HBV vaccinations and titer testing or an employee's declination of vaccinations are kept in the City of Newport Human Resources office, in a file separate from the employee's personnel file.

To ensure that all employees are aware of the vaccination program, it will be thoroughly discussed in blood borne pathogen training. This discussion is also incorporated into new employee orientation for those employees whose jobs place them at exposure risk.

1009.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-4-00	Effective: 5-20-00
Update: 6-2-10	
Review: Even Years	
Accreditation Standards: OAA 1.5.7	

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Reporting of Arrests, Convictions, and Court Orders

1010.1 POLICY

The Newport Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the [Department/Office].

1010.2 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 Newport 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.

1010.3 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.

1010.4 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/office] may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1010.5 REPORTING

All members and all retired officers with identification cards issued by the [Department/Office] shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers)

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in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the [Department/Office] shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired 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).

1010.6 DEPARTMENT OF PUBLIC STANDARDS AND TRAINING (DPSST) NOTIFICATION

An officer or dispatcher who is arrested or who receives a criminal citation to appear, or its equivalent, shall notify DPSST in writing within five business days of the following (OAR 259-008-0010; OAR 259-008-0011):

(a) The date of the arrest or citation

(b) The location of the arrest or citation

(c) The reason for the arrest or citation

(d) The arresting or citing agency

1010.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-22-09	Effective: 7-29-09
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-10
Updated: Lexipol 8/2012 -- D-12-009	Effective 8-29-12
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-13
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updaed: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: As needed	

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Reporting of Arrests, Convictions, and Court Orders

Accreditation Standards: OAA 1.5.5, 2.2.1	

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Blood Borne Pathogen Procedure

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of contacts with bodily fluids of individuals and an HIV testing procedure in accordance with the Legislatures declaration of a public health crisis in ORS 433.085.

1011.1.1 POLICY

It is the policy of the Newport Police Department to inform and educate employees regarding the threats and hazards associated with pathogens that may be encountered during the course and scope of their work. The Department will provide contemporary safety equipment and procedures that will minimize the risks of exposure and provide post-exposure reporting, evaluation, and treatment for personnel who may have been exposed to these diseases.

1011.1.2 EXPOSURE EVALUATION, VACCINATION AND TREATMENT

Any person who has physical contact with blood or other bodily fluids of another person while in the line of duty shall be considered to have been potentially exposed to a communicable disease, and should be closely examined by a qualified individual to determine if an actual exposure has occurred.

An occupational exposure is defined by the Center for Disease Control as: "a percutaneous injury (e.g., needle stick or cut with a sharp object) or contact of mucous membrane or non-intact skin (e.g., exposed skin that is chapped, abraded, or with dermatitis) with blood, saliva, tissue, or other body fluids that are potentially infectious."

If an occupational exposure occurs, a supervisor shall be contacted who shall complete appropriate on-duty injury forms, and shall document the circumstances under which the exposure occurred.

Immediately after exposure, the member of the Newport Police Department shall proceed to a designated hospital or health care facility for tests of evidence of infection and treatment of any injuries. The Newport Police Department shall ensure continued testing of the member for evidence of infection and provide psychological counseling as determined necessary by the health care official.

(a) Unless disclosure to an appropriate Departmental official is authorized by the member of the Newport Police Department or by state law, the member's medical evaluation, test results, and any follow-up procedures shall remain confidential (Oregon Revised Statutes 433.045)

(b) Any person responsible for potentially exposing a member of the Newport Police Department to a communicable disease shall be encouraged to undergo testing to determine if the person has a communicable disease

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(c) Any law enforcement officer, who in the performance of the their official duties, come into contact with the body fluids of another person may seek to have the source person tested for HIV and hepatitis B or C by petitioning the circuit court for an order compelling the testing. The petition submitted to the court must set forth the facts and circumstances of the contact and the reasons the petitioner and a medically trained person representing the petitioner, if available, believes the exposure was substantial and the testing would be appropriate. The petition must also include information sufficient to identify the source person and their location

(d) The person shall be provided with a copy of the test results, and a copy shall be provided to the exposed officer. The officer shall be informed of applicable state laws, and regulations concerning the disclosure of the identity and infectious status of the source individual

(e) Criminal charges may be sought against any person who intentionally exposes a member of this agency to a communicable disease.

(f) Any member of the Newport Police Department who has suffered an occupational exposure to a communicable disease shall be provided with the opportunity to receive the HBV vaccination series at no cost and within a reasonable time following the exposure

(g) The vaccination shall be provided as desired only after the member has received required departmental training, has not previously received the vaccination series, and only if not contraindicated for medical reasons. A HBV booster may be required.

(h) Members who have been exposed to or contract a disease as a result of a duty related event shall be treated according to existing health benefits, insurance coverage, and collective bargaining provisions

(i) Members who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of the Department

    (a) The Newport Police Department shall make all decisions concerning the member's work status solely on the medical opinions and advice of the agency's health care officials

    (b) The Newport Police Department may require a member to be examined by the department health care officials to determine if he/she is able to perform his/her duties without hazard to himself/herself or others

    (c) All members of the Newport Police Department agency shall treat employees who have contracted a communicable disease fairly, courteously, and with dignity

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Blood Borne Pathogen Procedure

1011.2 ADOPTION / REVIEW / ACCRDITATION

Adopted: 10-29-2009	Effective: 10-28-2009
Review: Even Years	
Accreditation Standards: OAA 1.5.7	

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 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 Shift Supervisor 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.

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.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

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 City Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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 specific and articulable facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

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.

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(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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.

1012.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 2-7-07	Effective: 10-1-07
Updated: Lexipol 1/2010 -- D-10-001	Effective: 1-20-10
Updated: Lexipol 12/2010 -- D-11-001	Effective: 1-12-11
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-11
Updated: Lexipol 6-2013 -- D-13-016	Effective: 7-15-13
Review: As Needed	
Accreditation: 1.5.5, 1.5.7	

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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 Newport 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 Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the [Department/Office] with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the [Department/Office] (ORS 653.621; OAR 839-007-0040).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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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 HR Manager as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected [department/office] operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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 HR Manager 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.

1014.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009	Effective: 3-28-2009
Updated: Lexipol 1/2010 - D-10-001	Effective: 1-20-2010
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017

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Sick Leave

Review: Even Years	
Accreditation Standards: None	

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Temporary Light Duty

1015.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible officers and civilian personnel within this Department.

1015.2 POLICY

Temporary light-duty assignments, when available, are for officers and other eligible personnel in this Department who, because of injury, illness or disability, are temporarily unable to perform their regular assignments, but who are capable of performing alternative duty assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety of the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this Department that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments, where available and consistent with this policy.

1015.3 DEFINITIONS

(a) For purposes of this policy, any full-time member of this Department suffering from medically certified illness, injury or disability requiring treatment of a licensed health-care provider, and who, because of injury illness or disability, is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.

(b) Federal law and Oregon law provide for up to 12 weeks of unpaid, job-protected leave for eligible workers in certain situations. Refer to the law for specifics and eligibility.

1015.4 PROCEDURES

1015.4.1 GENERAL PROVISIONS

(a) Temporary light-duty positions are limited in number and variety. Therefore,

  (a) personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to light duty; and

  (b) assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or Department

(b) This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state laws.

(c) Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

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(d) No specific position within this Department shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.

(e) Light-duty assignments are strictly temporary and normally should not exceed six weeks in duration. After six weeks, personnel on temporary light duty who are not capable of returning to their original duty assignment shall

(a) present a request for extension of temporary light duty, with supporting documentation, to the Chief of Police or his/her designate; or

(b) pursue other options as provided by employment provisions of this Department or federal or state law.

(f) Officers on temporary light duty are prohibited from engaging in outside employment in which they may reasonable be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this Department, and that form the basis for their temporary light-duty assignment.

(g) Depending upon the nature and extent of the disability, an officer on temporary light duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon or otherwise limited in employing police powers as determined by the Chief of Police, so long as such limitation is consistent with the provisions of sections 1015.4.2 and 1015.4.3 of this policy.

(h) Light-duty assignments shall not be made for disciplinary purposes.

1015.4.2 TEMPORARY LIGHT-DUTY ASSIGNMENTS

(a) Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

(a) administrative functions (e.g. report review, special projects)

(b) clerical functions (e.g. filing)

(c) desk assignments

(d) report taking or case follow-up by phone

(b) In addition to considerations included in section 1015.4.1 of this policy, decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment, given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed upon the employee.

(c) Every effort shall be made to assign employees to positions consistent with their rank or pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employee thus assigned shall:

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(a) retain the privileges of their rank but shall answer to the supervisory employee of the unit to which they are assigned with regard to work responsibilities and performance; and

(b) retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

1015.4.3 REQUESTS FOR AND ASSIGNMENT TO TEMPORARY LIGHT DUTY

(a) Requests for temporary light-duty assignments shall be submitted to the officer's/ employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other licensed health-care provider. The certificate must include the nature of work restrictions and an acknowledgment by the health-care proved or familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.

(b) The request for temporary light duty and the physician's statement shall be forwarded to the Chief of Police or his/her designate.

(a) This Department may require the employee to submit to an independent medical examination by a health provider of the Department's choosing.

(b) The employee and representatives of this Department shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

(c) An employee may be assigned to temporary light duty at the discretion of the Chief of Police.

(d) As a condition of continued assignment to temporary light duty, employees may be required to submit to monthly physical assessments of their condition.

1015.4.4 PREGNANT OFFICERS

(a) Pregnant officers are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being.

(b) Where appropriate temporary light-duty assignments are unavailable, pregnant officers may pursue other forms of medical, disability or family leave (FMLA) as provided by this Department and state or federal laws.

(c) On a monthly basis, pregnant officers shall submit physician's medical certificates that document:

(a) the officer's physical ability to perform the present assigned duties,

(b) the physician's appraisal that the type of work being performed will not injure the officer or her expected child, and

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(c) any recommended duty restrictions or modifications including temporary light duty.

(d) Pregnant officers shall be permitted to continue working on regular duty or temporary light-duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed.

1015.5 ADOPTED / REVIEW/ ACCREDITATION

Adopted: 5-11-01	Effective: 5-11-01		
Review: 10-28-09			
Review: Even Years			
Accreditation Standards: None			

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of [department/office] members contracting and/or spreading communicable diseases.

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 Newport Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Newport 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/office] members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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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/office] vehicles, as applicable.

(b) Wearing [department/office]-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(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/Office] 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/Office] 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.

1016.8 ADOPTION / REVIEW / ACCREDITATION

Ad opted: 10-21-2009		Effective:10-28-2009	
Updated:Lexipol 1/2010 -- D-10-001		Effective:1-20-2010	
Updated:Lexipol 6/2010 — D-10-004		Effective:7-15-2010	
Updated:Lexipol 12/2010 -- D-11-001		Effective:1-12-2011	
Updated:Lexipol 6/2011 -- D-11-007		Effective:7-25-2011	
Updated:Lexipol 6/2013 -- D-13-016		Effective:7-15-2013	
Updated: Lexipol 10/2017 -- D-17-009		Effective: 12-27-2017	
Updated: Lexipol 10/2018 -- D-18-005		Effective: 11-17-2017	
Updated: Lexipol 4/ 2020		Effective: 4-24-2020	
Review:Odd Years			
Accreditation Standards:OAA 1.5.7			

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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 Newport 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 Newport 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 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 Newport Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes 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).

1018.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-21-2011	Effective: 12-31-2011
Updated: Lexipol 8/2015 -- D-15-011	Effective: 12-31-2015
Review: As Needed	
Accreditation Standards: OAA 1.5.5	

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Hearing Conservation Program

1019.1 PURPOSE AND SCOPE

The purpose of this policy is establish a hearing conservation program to protect all employees involved in weapons qualifications and/or other training or work where noise exposures equal or exceed 85 decibels on average during a 12-hour shift. This program will ensure compliance with OR-OSHA Noise and Hearing Conservation Regulations (OAR 437 Division 2-1910.95).

The policy of this Department is to protect the hearing of employees exposed to noise equal or exceeding 85 dBA, without the use of hearing protection, during a 12-hour shift. Noise surveys conducted at various law enforcement outdoor and indoor ranges show that the majority of officer noise exposure levels during weapons qualifications exceed Oregon OSHA's hearing conservation standard of 85 decibels on average (dBA) (without the use of hearing protection). The representative noise levels provided in this policy were used to determine the basic employee noise exposure. (See Attachment A to this policy.) This noise sampling will be provided to the professional conducting the Department's hearing testing and medical reviews of the results.

1019.2 HEARING TESTING

1019.2.1 BASELINE TESTING

Baseline Tests will be given to all new employees included in the hearing conservation program during their pre-employment physical examination, or following exposure to 85 dBA or above. Any employee with a hearing impairment that would be exacerbated or compromised will not be assigned to a hazardous noise area until further investigation is completed. Any hearing loss threshold will be noted in initial test records.

The baseline tests require that the employee NOT be in an occupational noise area for 14 hours prior to the test. This test will be the reference for further tests to determine if hearing levels change.

1019.2.2 ANNUAL TESTING

Annual Tests (i.e., between August 1st and September 30th) will be given and will be used to compare to the baseline tests. These tests may be given anytime during an employee's shift, or at another mutually agreed upon time.

Employees will be informed of any hearing loss and provided a copy of the information. A review of the degree of protection necessary by such a threshold shift will be made prior to any additional noise exposure above 85 dBA.

1019.2.3 TESTING RESULTS / FOLLOW-UP

(a) Standard Threshold Shift (STS) criterion: The hearing loss criterion is a change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 200, 300, and 4000 hertz (Hz) in either ear.

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(b) The employee may be re-tested within 30 days and consider the results of the re-test to determine if a permanent shift has occurred, and/or referred to their private physician.

(c) Employees will be informed in writing if their tests show significant changes in their hearing levels based on Oregon OSHA standards.

(d) In all cases of hearing loss, the employee will be re-instructed on when and how to properly wear hearing protection. The supervisor and/or Rangemaster will follow up on all hearing tests that show a reduction in the employee's hearing from the baseline.

(e) The contract audiologist will determine if additional follow-up tests are warranted. The status of the employee's hearing will be forwarded to the Head of Human Resources.

1019.3 HEARING PROTECTION

All employees included in this program shall wear proper hearing protection when exposed to noise 90 dBA or greater, and 85 dBA or greater for employees with an STS. Situations where communication with someone standing close by requires shouting or speaking loudly would necessitate hearing protection. Hearing protection will be worn at all times during weapons qualifications. The Department will provide both earmuffs and earplugs for hearing protection use at no charge to the employee. Employees are responsible for maintaining this equipment, or notifying their supervisor or Range Master if replacement protective equipment is needed.

1019.4 TRAINING

All employees included in our Hearing Conservation Program will receive annual training on hearing loss and the proper use of hearing protection.

A copy of the training materials is available to employees by contacting his/her supervisor, Rangemaster, or Safety Committee member.

A copy of the Oregon OSHA Noise and Hearing Conservation Rules are posted at the Firearms Range where employees are potentially exposed to hazardous noise levels, and in the Break Room.

1019.5 RECORD KEEPING

All record keeping as required by Oregon OSHA and related to the Department's Hearing Conservation Program is maintained by the Samaritan Pacific Communities Hospital Occupational Medicine Department. These records include, but are not limited to, noise exposure measurement, audiogram records, training records, and the OSHA 300 Log Record.

1019.6 ADOPTED / REVIEW / ACCREDITATION

Adopted: 11-7-07	Effective: 12-3-07
Review: Odd years	
Accreditation: None	

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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 Newport 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.

1020.2 POLICY

The Newport Police Department takes seriously all complaints regarding the service provided by the [Department/Office] and the conduct of its members.

The [Department/Office] will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this [department/office] to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.2.1 COMPLAINANT NOTIFICATION

(a) Upon receipt of a citizen's complaint, the Chief of Police will send a letter to the complainant acknowledging the receipt of the complaint.

(b) When the investigation has been completed, the Chief of Police will send a letter to the complainant advising him/her of the investigation disposition.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of [department/office] policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate [department/office] policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the [Department/Office].

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or

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referred to the Operations Lieutenant, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Operations Lieutenant, such matters 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/office] 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

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/office] website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE
All complaints will be courteously accepted by any [department/office] 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.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the [Department/Office] should audit the log and send an audit report to the Chief of Police or the authorized designee.

1020.5.1 COMPLAINTS ALLEGING PROFILING
Complaints related to profiling should be clearly marked to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

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:

(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 Shift Supervisor 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 Operations Lieutenant or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the [Department/Office] receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.

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(e) Promptly contacting the City Human Resources and the Shift Supervisor 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 Shift Supervisor, 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.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Operations Lieutenant, 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 Newport 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.

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1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(i) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the employee prior to any subsequent interview.

(j) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) In a disciplinary or administrative investigation, the employee's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the employee to the representative for purposes of the representation.

(l) As soon as it is determined that the employee may be charged with a criminal offense, the employee shall be informed of the employee's right to consult with criminal defense counsel with respect to the criminal charge.

(m) All employees shall provide complete and truthful responses to questions posed during interviews.

(n) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

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.

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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/office] members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.5 COMPLETION OF INVESTIGATIONS

The Administration Supervisor shall ensure that investigations are completed and peace officers are provided notification of intended discipline no later than six months from the date of the first interview. The Chief of Police or Administration Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the [Department/Office] gives written notice explaining the reason for the extension to the peace officer and the peace officer’s chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

(a) The investigation involves a peace officer who is incapacitated or unavailable.

(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.

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(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.

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/ Office], the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any [department/office] badge, identification, assigned weapons and any other [department/office] equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 APPEAL PROCEDURES

Employees wishing to appeal the outcome of any internal investigation shall do so according to the grievance procedure established in the City of Newport Personnel Policies, unless the employee is a member of a collective bargaining unit that has agreed with the City on an alternative grievance procedure.

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1020.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Newport 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.

1020.11 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.

1020.11.1 OPERATIONS LIEUTENANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Operations Lieutenant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Operations Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Operations Lieutenant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Operations Lieutenant shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.11.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Operations Lieutenant for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation shall be recorded by the [Department/Office]. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1020.11.3 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).

1020.11.4 NOTICE REQUIREMENTS

If an investigation of an officer of this [department/office] results from a complaint, the [Department/Office] 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).

1020.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(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.

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(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.13 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.

1020.14 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.

1020.15 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 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.

1020.17 ANNUAL REVIEW OF PERSONNEL COMPLAINTS

During February of each year, the Operations Lieutenant or his/her designee shall provide to the Chief of Police an annual report of personnel complaints from the preceding year. The report will focus on complaint trends, as well as training needs and needed policy changes. A copy of the report shall be maintained with each year's completed complaint file. Specific detail, including such

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items as officer names, case numbers, and location of occurrence, is not needed for this purpose, and therefore will not be part of this process.

1020.18 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve officer or dispatcher will be investigated as outlined in this policy. The Chief of Police or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

1020.19 ADOPTION / REVIEW / ACCREDITATION

Adopted:5-20-2009		Effective:5-27-2009
Updated:Lexipol 6/2009 — D-09-008		Effective:6-30-2009
Updated:3-23-2011 — D-11-003		Effective:3-23-2011
Updated:8-20-2012 -- D-12-007		Effective:8-20-2012
Updated:Lexipol 6/2013 -- D-13-016		Effective:7-15-2013
Updated:Lexipol 8/2015 — D-15-011		Effective:11-14-2015
Updated:Lexipol 12/2015 -- D-16-001		Effective:1-26-2016
Updated: D-16-002 - 3-25-2016		Effective: 3-31-2016
Updated: Lexipol 8/2016 — D-16-008		Effective: 8-18-2016
Updated: Lexipol 7/2017 -- D-17-008		Effective: 11-25-2017
Updated: Lexipol 1/2018 -- D-18-002		Effective: 3-3-2018
Updated: Lexipol 7/2020 -- D-20-006		Effective: 7-20-2020
Review:As Needed		
Accreditation Standards:OAA 1.7.1, 1.7.2, 1.7.3		

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Safety Belts

1022.1 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.

1022.1.1 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.

1022.2 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.

1022.3 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.

1022.4 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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1022.5 POLICY

It is the policy of the Newport Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.6 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.

1022.7 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.

1022.8 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.

1022.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 3-18-2009		Effective: 3-28-2009
Updated: Lexipol 12/2010 - D-11-001		Effective: 1-12-2011
Updated: Lexipol 6/2011 - D-11-007		Effective: 7-25-2011
Updated: Lexipol 12/2011 - D-11-014		Effective: 12-31-2011
Updated: Lexipol 12/2015 -- D-16-001		Effective: 1-26-2016
Review: Odd Years		
Accreditation Standards: OAA 2.2.9		

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Newport 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.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Newport Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action, including high-risk, pre-planned incidents.

(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.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 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.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

1024.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-21-2009	Effective: 10-28-2009
Updated: Lexipol 2/2011 - D-11-003	Effective: 3-23-2011
Updated: Lexipol 6/2011 - D-11-007	Effective: 7-25-2011
Updated: 8-20-2012 - D-12-007	Effective: 8-20-2012
Review: As needed	
Accreditations Standards: OAA 2.2.8	

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Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this [department/office] to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

1026.3 [DEPARTMENT/OFFICE] FILE

The [department/office] file shall be maintained as a record of a person’s employment/appointment with this [department/office]. The [department/office] file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the [department/office] file after the member has had the opportunity to read and initial the comment.

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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1026.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the officer prior to being placed in the file in accordance with ORS 652.750.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Operations Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; education; and firearms qualifications. 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 Operations Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Operations Lieutenant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Operations Lieutenant 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 Operations Lieutenant 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/office] file but will be maintained in the internal affairs file:

- Not sustained
- Unfounded
- Exonerated

1026.7 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/office] established records retention schedule (29 CFR 1910.1020(d)).

1026.8 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.

1026.8.1 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.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records of an officer who was employed at any time by the [Department/Office] 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.

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(b) The public interest requires disclosure of the information.

(c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.

(d) 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/Office].

Audio or video records of internal investigation interviews of an officer are confidential and shall not be released (ORS 192.385).

Photographs of an officer shall not be disclosed without the written consent of the officer (ORS 181A.830).

1026.9 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 Supervisor. The Administration Supervisor should ensure that the member is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If an officer believes that any portion of the material is mistakenly or unlawfully placed in the officer personnel record, the officer may submit a written request to the Chief of Police that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Chief of Police must respond within 30 days from the date the request is received. If the Chief of Police chooses not to make any changes, the Chief of Police shall ensure that a written response to the request is made. The Chief of Police shall ensure that the request and response is placed in the officer's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the [Department/Office] for staff management planning, including judgments or recommendations concerning future salary increases and other wage

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treatments, management bonus plans, promotions and job assignments or other comments or ratings used for [department/office] planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the [Department/Office] and the member that may be discovered in a judicial proceeding.

1026.10 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.

1026.11 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-21-2009	Effective: 10-28-2009
Updated: Lexipol 6/2010 -- D-10-004	Effective: 7-15-2010
Updated: Lexipol 6/2011 -- D-11-007	Effective: 7-25-2011
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: Lexipol 5/2015 — D-15-016	Effective: 12-14-2015
Updated: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Updated: Lexipol 7/2017 -- D-17-008	Effective: 11-25-2017
Updated: Lexipol 10/2018 -- D-17-005	Effective: 11-19-2018
Updated: Lexipol 8/2020 - D-20-010	Effective: 8-20-2020
Review: As Needed	

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Personnel Records

Accreditation Standards: OAA 1.5.6, 1.7.1, 1.7.2, 3.2.1	

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Awards and Commendations

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Newport Police Department and individuals from the community.

1030.2 POLICY

It is the policy of the Newport 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.

1030.2.1 DEPARTMENT MEDALS

Medal of Valor

An award granted to any sworn member of the Department who, in the face of great imminent personal danger to his/her life or safety, knowingly and purposely performs an act above and beyond the call of duty, or for the saving of human life at extreme risk to his/her own life or safety. Recipients will receive only one award for any one incident, regardless of the number of acts in that one incident. Recipients awarded the Medal of Valor will be awarded a Medal, Ribbon, and Citation.

1. At the end of the year the Awards Committee will review each recipient's documentation in which they were granted the Department's Medal of Valor. If the documentation qualifies them for the state's Medal of Valor, the nomination(s) will be submitted to the state's awards committee.

2. The Awards Committee will also review each recipient's documentation; if it qualifies them for the National Medal of Valor, a nomination will be submitted at the national level.

Medal of Heroism

An award granted to any sworn member of the Department who, in the performance of his/her duty, and at grave and imminent personal danger, engages in successful combat with an armed and dangerous adversary, or who, as a result of this combat, is so wounded as to place his/her life in jeopardy. Recipients will receive only one award for any one incident, regardless of the number of acts in that one incident. Recipients of the Medal of Heroism will be awarded a Medal, Ribbon, and Citation.

Police Cross

An award granted to any sworn member of the Department who, in the performance of his/her duty is seriously injured. Recipients will receive only one award for any one incident, regardless of the number of acts in that one incident. Recipients of the Police Cross will be awarded a Medal, Ribbon, and Citation.

Life Saving Award

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An award granted to any sworn member of the Department who, in the performance of his/her duty, commits an overt act that directly saves another human life without jeopardizing the individual's own life. The Department member must perform physical acts or render first aid techniques to aid in the preservation of human life where the victim must be in imminent danger of succumbing to an injury or illness unless some action is taken, or where the victim is incapable of retreating from an actual life-threatening situation and must be removed to safety by an officer. Recipients will receive only one award for any one incident, regardless of the number of persons rescued or saved. Recipients of the Life Saving Award will be a Medal, Ribbon, and Citation.

Distinguished Service Award

An award granted to any sworn member of the department who, in the performance of his/her duty, performs an act of outstanding or especially meritorious service while demonstrating selflessness, personal courage, and devotion to duty, or an act committed in the performance of duty at substantial risk to the individual's personal life or safety. Recipients will receive only one award for any one incident regardless of the number of acts in the that one incident. Recipients of the Distinguished Service Award will be awarded a Ribbon, and Citation.

1030.2.2 DEPARTMENT RIBBONS

Special Assignment Ribbons (S.A.R.) are defined as a ribbon that reflects an officer's special assignments and areas of expertise. The S.A.R.'s are to be displayed on the uniform in the same manner as award ribbons. The S.A.R.'s will be approved by the Awards Committee and the Chief of Police. The following S.A.R.'s that have been approved are as follow.

1. Field Training Officer -- model T100B from P.S.S.
2. Firearms Instructor -- model 104 from P.S.S.
3. SWAT -- provided by SWAT
4. LEBA -- provided by LEBA
5. Instructor -- model T103 from P.S.S. all other disciplines
6. K9 Officer -- model U111 from P.S.S.
7. FBINA -- provided by FBI Academy

1030.2.3 DEPARTMENT AWARDS

Any Department member, sworn or non-sworn, may initiate a written commendation to be awarded to a member of the Department by the Chief of Police. Such requests and all accompanying documentation will be routed through the chain of command of the individual initiating the request. Examples of performance for which a written commendation may be appropriate are as follow.

1. Any member of the Department who, through his/her own initiative and diligence, apprehends, or through his/her actions causes to be apprehended, a felon who might otherwise go undetected.

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This also applies to individual sworn or civilian members of a team who exhibited exceptional professional skill and conduct during the coordinated action.

2. Any noteworthy service or accomplishment that rings credit to the Department.

3. Any noteworthy performance in an investigation, prevention of a crime, or other assignment. The nominated Officer must go above and beyond the standard level of performance in the above examples. One example can be a lengthy drug investigation case that requires cultivating information, developing probable cause to apply for a warrant, serving the warrant, and obtaining a successful prosecution by following the case all the way through.

This section does not prohibit Team Supervisors from issuing written commendations at their discretion. Commendations issued from the Chief of Police provide Department-wide recognition of commendable service, whereas team commendations provide team recognition of commendable service. Persons awarded a Written Commendation from the Chief of Police will be presented a Certification, and a Citation in Support of Commendation.

1. Only an employee who has received the Employee of the Quarter award within that year may be eligible for the Employee of the Year award.

2. If it is deemed necessary, the Awards Committee may nominate two employees for Employee of the Year, so long as both nominees had received Employee of the Month within the same given year.

3. The Awards Committee will meet prior to the date of Lincoln County's Law Enforcement Recognition Banquet (LERB). At this meeting they will review the Employees of the Quarter, and forward their recommendation of the ***Employee of the Year*** to the Chief of Police.

1030.3 NOMINATION

Any Department member, sworn or non-sworn, may initiate an award to be awarded to a member of the Department by the Chief of Police. Such requests and all accompanying documentation will be routed through the chain of command of the individual initiating the request. The Department Award Nomination Form shall be used and accompany any related documentation, such as Police reports or Dispatch screens.

1030.4 COMMENDATIONS

Commendations for members of the [Department/Office] or for individuals from the community may be initiated by any [department/office] member or by any person from the community.

1030.4.1 WEARING OF AWARDS ON DUTY UNIFORMS

An officer may wear the ribbons of the awards issued to him/her. The ribbons are to be worn on the right chest, above the name tag that should be above the chest pocket. Ribbons are to be worn no more than three across. The highest award should be on top, starting from top right, across left, and down from right. If only one award is being worn, it should be worn above the name tag, centered at the middle of the name. No more than three awards may be worn singly in

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this manner. In the instance of a "dress" uniform being required, an Officer's Award Ribbons will take precedence over the Special Assignment Ribbons.

1030.4.2 ORDER AND PURCHASE OF MEDALS/RIBBONS

The following definitions will be used for ordering medals and ribbons. All medals will be ordered from the Entenmann-Rovin company catalog, or similar supplier, and will have the appropriate engraving to match the type of medal. It will include the state seal and Department name. All ribbons will 1 3/8 " x 3/8" and will reflect the same color combination and pattern as the ribbon on the medal

The Medal of Valor will be modeled after medal number 1400 in the Entenmann-Rovin catalog. The ribbon on the medal will be striped one-half white and one-half powder blue. The size of the ribbon will be as previously described, and copy model AR-1-2 in color pattern. This color pattern is a solid powder blue.

The Medal of Herorism will be modeled after medal number 1526 in the Entenmann-Rovin catalog. The ribbon on the medal will be solid purple in color. The size of the ribbon will be as previously described, and copy model AR-1. This color pattern is purple/white/purple.

The Police Cross will be modeled after medal number 1500 in the Entenmann-Rovin catalog. The ribbon on the medal will be solid purple in color. The size of the ribbon will be as previously described, and copy model AR-1. This color pattern is purple/white/purple.

The Life Saving Award will be modeled after medal number 1525 in the Entenmann-Rovin catalog. The ribbon on the medal will be striped white/navy blue. The size of the ribbon will be as previously described, and copy model AR-1-LS. This color pattern is navy blue/white.

The Distinguished Service Award will be a ribbon only. This ribbon will be modeled after AR-1 in the Entenmann-Rovin catalog. The size of the ribboon will be as previously described, and copy model AR-1. This color pattern is green/white/green.

The Employee of the Quarter award will be a plaque with the employee's picture and name on it. The name of the awarded person will be engraved on a plate and attached to the plaque displayed at the Newport Police Department. The awarded employee will also receive a citation from the Chief of Police, or his/her designee, outlining the justification for the award.

The Citizen Award will range from a certificate to a plaque. The Citizen Award is not to exceed a plaque. The type of award will epend on the incident, and decided by the Awards Committee and the Chief of Police.

The Written Commendation from the Chief of Police will be a certificate accompanied by a letter on Department letterhead. Written Commendations from Supervisors other than the Chief of Police will be drafted by the awarding Supervisor, and will not exceed a certificate with a letter on Department letterhead.

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1030.5 RECOGNITION OF YEARS OF SERVICE

The Newport Police Department will provide a uniform and consistent system to recognize years of service by sworn/non-sworn members of this Department. Years of service will include a member's time worked, up to and including resignation and/or retirement. A Department Plaque will be mounted in a conspicuous place accessible to viewing by the public. The display will include individual spaces for nameplates and dates. These plates will include the employee's name and date of hire. A member's name and date of hire will be placed on the plaque under the following conditions.

1. After ten (10) years of continuous service with the Newport Police Department

2. In five (5) year increments, up to 25 years

3. For every five (5) years an employee's name is displayed on the plaque, it will be moved to the next appropriate increment, up to either resignation in good standing, or retirement from the Department.

4. Upon retiring in good standing from the Newport Police Department, an employee's name will then be transferred to his/her "retirement plaque" with a photograph attached.

1030.5.1 RETIRED EMPLOYEES

It is the belief of the Newport Police Department that retired employees of this Department shall continue to be recognized for their years of dedicated service. An 8" x 10" color photo of the retired employee will be displayed in a conspicuous place.. Once an employee retires from the Department,,the date of retirement will be added to the Department Plaque, along with rank and/or position at the time of retirement. The retiree's photo and date of retirement will be placed on the plaque when the employee has retired from the Newport Police Department in good standing with their last five calendar years being full-time service.

1030.6 CITIZEN AWARDS

Law enforcement is a total community responsibility. The Department recognizes the need to acknowledge acts performed by citizens that directly assist or aid officers in the performance of their duties. Citizens may receive awards from the Awards Committee and/or the Chief of Police in the following categories.

1. Letter of Appreciation for service rendered to law enforcement personnel in the performance of their duties.

2. Certificate of Merit for outstanding service in assisting or aiding law enforcement personnel in the performance of their duties that may jeopardize the life or safety of the citizen.

Recommendations for Department recognition for acts performed by citizens will be forwarded through the chain of command to the Chief of Police. The Chief of Police will refer the recommendation(s) to the Awards Committee for review. The Chief of Police or his/her designee will present the Citizen Award to the recipient(s) at the next scheduled Newport City Council meeting.

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1030.7 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.

1030.7.1 [DEPARTMENT/OFFICE] MEMBER DOCUMENTATION

Members of the [Department/Office] should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

  (a) For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act

  (b) For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1030.7.2 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/Office] members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

  1. For members of the [Department/Office] - name, division 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.

1030.7.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Newport Police Department should be forwarded to the Operations Lieutenant for his/her review. The Operations Lieutenant 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/office] member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

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Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the. The documentation will be signed by the and forwarded to the 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.

1030.8 AWARDS

Awards may be bestowed upon members of the [Department/Office] and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1030.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 11-1-2010	Effective: 11-3-2010
Updated: 3-23-2011 - D-11-003	Effective: 11-23-2011
Updated: Lexipol 3/2017 -- D-17-004	Effective: 7-3-2017
Updated: 4/2020	Effective: 5-15-2020
Review: Even Years	
Accreditation Standards: OAA 1.5.10	

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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/office] 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/office] to maintain good physical condition sufficient to safely and properly perform the duties of their job function.

(b) Each member of this [department/office] 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.

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(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.

(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 Shift Supervisor or employee's available Operations Lieutenant, a determination should be made whether or not the employee should be temporarily relieved from their duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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 Shift Supervisor or unit supervisor and concurrence of a Operations Lieutenant, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

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 City 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/Office] 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.

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(c) In order to facilitate the examination of any employee, the [Department/Office] 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.

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 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-30-2009	Effective: 1-6-2010
Update: Lexipol 1/2010 - D-10-001	Effective: 1-20-2010
Update: Lexipol 6/2010 - D-10-004	Effective: 7-15-2010
Update: Lexipol 8/2016 -- D-16-008	Effective: 8-18-2016
Review: As Needed	

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Accreditation Standards: OAA 1.5.7	

1032.10 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/Office] (2019 Oregon Laws, c.177).

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Meal Periods and Breaks

1034.1 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 or the Collective Bargaining Agreement that covers represented police employees.

1034.1.1 MEAL PERIODS

Sworn employees and Records personnel shall remain on duty and subject to call or contact during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 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.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

1034.2 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-30-09	Effective: 1-6-10
Review: Even years	
Accreditation Standards: None	

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Lactation Break Policy

1036.1 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.

1036.2 POLICY

It is the policy of this [department/office] to provide reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

1036.3 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 WVCC or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt [department/office] operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

1036.4 PRIVATE LOCATION

The [Department/Office] will make reasonable efforts to provide lactating members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other members should avoid interrupting a lactating member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1036.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the [Department/Office] shall clearly label it as such and shall remove it when the member's shift ends.

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Overtime Compensation Requests

1039.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime by either 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 log the overtime on his/her time sheet and request a supervisor to approve the overtime.

1039.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not accrue more than 60 hours of compensatory time.

1039.2 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 Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1039.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid, (e.g., three hours for Court).

1039.3.1 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:

1 to 15 minutes	.25 hour
16 to 30 minutes	.5 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1039.3.2 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

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Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation.

1039.4 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-30-09	Effective: 1-6-10
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-13
Review: As Needed	
Accreditation Standards: None	

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Outside Employment

1041.1 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 and continuance of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1041.1.1 DEFINITIONS

- 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.

- Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1041.2 OBTAINING APPROVAL

No member of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must prepare a memorandum with the request which shall be submitted to the employee's immediate supervisor. The memorandum will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be notified by memorandum. Unless otherwise indicated in writing on the approval memorandum, a approval will be valid through the end of the calendar year in which the memorandum is approved. Any employee seeking to renew approval shall submit a new memorandum 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.

1041.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's request for outside employment is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

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1041.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment approval 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. 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 approval.

(b) Suspension or revocation of a previously approved outside employment approval may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment approval, 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 a regular duty capacity due to an injury or other condition, any previously approved outside employment may be subjected to similar restrictions as those applicable to the employee's regular duties until the employee has returned to a regular duty status

1041.3 PROHIBITED OUTSIDE EMPLOYMENT
The Department expressly reserves the right to deny any Outside Employment request submitted by an employee seeking to engage in any activity which, in its view, would:

(a) Involve the employee's use of Departmental time, facilities, equipment, or supplies, and/or the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involve 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) Involve 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) Involve time demands that would render performance of the employee's duties for this Department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular work hours.

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1041.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

No member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

  (a) The officer(s) shall wear the departmental uniform/identification.

  (b) The officer(s) shall be subject to the rules and regulations of this department.

  (c) No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

  (d) Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

  (e) 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.

1041.3.2 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.

1041.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Operations Lieutenant, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1041.4 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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1041.4.1 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.

1041.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should to report the change.

1041.6 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 outside employment, a notice of revocation of the member's outside employment approval will be forwarded to the involved employee, and a copy attached to the original work request.

Criteria for revoking the outside employment 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 Newport Police Department, a request (in writing) may be made to the Chief of Police to restore the approval.

1041.7 APPROVAL / REVIEW / ACCREDITATION

Approved: 4-24-08	Effective: 5-10-08
Update: Lexipol 6/09 - D-09-008	Effective: 6-30-09
Update: Lexipol 1/10 - D-10-001	Effective: 1-20-10

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Outside Employment

Review: Odd Years	
Accreditation: None	

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Occupational Disease and Work-Related Injury Reporting

1043.1 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.

1043.1.1 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 Newport Police Department (ORS 656.005(7); ORS 656.802).

1043.2 POLICY

The Newport 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.).

1043.3 RESPONSIBILITIES

1043.3.1 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).

1043.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. The supervisor shall provide every injured member with a Report of Job Injury or Illness form (Form 801) immediately upon the request of the member or his/her attorney, or upon receiving notice or knowledge of an accident that may involve a compensable injury (ORS 656.265; OAR 436-060-0010).

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1043.3.3 OPERATIONS LIEUTENANT RESPONSIBILITIES

The Operations Lieutenant who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and

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the Administration Operations Lieutenant to ensure any required Oregon Occupational Safety and Health Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the [department/office]'s insurer no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010).

1043.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the City Human Resources. Copies of the report and related documents retained by the [Department/Office] shall be filed in the member's confidential medical file.

1043.4 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 Operations Lieutenant through the chain of command and a copy sent to the Administration Operations Lieutenant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1043.5 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.

1043.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1043.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 7-8-2008	Effective: 7-23-2008
Updated: Lexipol 8/2015 -- D-15-011	Effective: 11-14-2015
Updated: Lexipol 3/2017 -- D-17-004	Effective: 7-3-2017

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Occupational Disease and Work-Related Injury Reporting

Review: As Needed	
Accreditation Standards: OAA 1.5.7	

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Employee Death or Serious Injury

1044.1 PURPOSE AND SCOPE

This policy is designed to prepare this agency for the event of an active duty officer's death in the line of duty, and to direct the agency in providing proper support for the deceased officer's family.

1044.2 POLICY

It is the policy of this agency to provide liaison assistance to the immediate survivors of an active duty officer who dies in the line of duty, and to provide tangible and emotional support to the surviving family during this traumatic period of readjustment. This policy may also be utilized in cases of off-duty deaths or serious injuries of employees.

1044.3 DEFINITIONS

: The death of an active duty officer by felonious or accidental means during the course of performing police functions while on- or off-duty.

: Immediate family members of the deceased officer, to include spouse, children, parents, siblings, fiancée, and/or significant other.

1044.4 PROCEDURES

1044.4.1 DEATH NOTIFICATION

The following procedures should be adhered to in case of line-of-duty deaths, and in cases of critically injured officers with poor prognosis of survival. These procedures should be followed whenever possible, with the understanding that the wishes of the family take precedence over the desires of the Department. Officers providing services and assistance to family members and survivors shall take all possible measures to accommodate their needs, wishes, and desires, but should not make promises to family members that they are not sure can be kept.

(a) The name of the deceased officer shall not be released to the media or other parties before immediate survivors living in the area are notified.

(b) The Chief of Police will normally inform the immediate family of an officer's condition or death, but may designate an officer to inform the immediate family of the officer's condition or death. If the Chief of Police is not immediately available, the senior ranking officer will make the designation.

(c) Notification of the immediate family should be made as soon as possible, and, if possible, simultaneously with command notifications.

(d) Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with another person such as a law enforcement chaplain. Whenever the health of immediate survivors is a concern, emergency medical services personnel may be requested to stand by.

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(e) If there is an opportunity to get the family to the hospital before the officer's death, notification officers shall inform the hospital that the family is on its way. In such cases, immediate transportation should be provided for survivors, rather than waiting for any other members of the Department's delegation to arrive. If the officer has died, notification should be made to the survivors in as forthright and empathetic manner as possible.

(f) In order to avoid interception by the media or others, communication of information concerning the officer and the incident shall, whenever possible, be restricted to the telephone. Should the media obtain the officer's name prematurely, the ranking officer should request that the information be withheld until proper notification of survivors can be made.

(g) The supervisor on duty shall be responsible for identification of additional survivors outside the area, and shall make any notifications as desired by the immediate family. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction, and requesting that a personal notification be made.

(h) The supervisor shall submit a written report to the Chief of Police, specifying the identity, time, and place of survivors notified.

1044.4.2 ASSISTING SURVIVORS AT THE HOSPITAL

Whenever possible, the agency's chief executive officer shall join the family at the hospital in order to emphasize the agency's support. A supervisor, or designated officer, shall be responsible for coordinating the arrival of immediate survivors, Department personnel, the media, and others, and assume the following responsibilities:

(a) Arrange waiting facilities for immediate survivors, and a press staging area. The desires of the surviving family members should be followed with regard to their accessibility to other officers and friends.

(b) Ensure that medical personnel provide pertinent medical information on the officer's condition to the family, before any other parties.

(c) Assist family members, in accordance with their desires, in gaining access to the injured or deceased officer.

(d) Provide hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate Department authority, and that they are not forwarded to the officer's family or other survivors.

(e) Arrange transportation for the family and other survivors upon their departure from the hospital.

(f) Ensure that immediate family members are provided with appropriate assistance at the hospital.

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1044.4.3 APPOINTMENT OF DEPARTMENT COORDINATION PERSONNEL

Designated Department officer(s) shall begin serving in the following capacities: Department liaison, funeral liaison, and family support advocate. These assignments will be made in writing to Department personnel. The surviving family members will be informed of those designations. In addition, the Chief of Police, or his/her designee, will:

(a) Make additional personnel assignments to assist in handling incoming phone calls and inquiries, and in directing the public to appropriate personnel.

(b) Ensure that the Employee Assistance Program is implemented for surviving family members, and emphasize the family's right to psychological services.

(c) Ensure that other officers are provided the opportunity to participate in critical incident stress debriefings.

1044.4.4 DEPARTMENT LIAISON

The Department liaison officer will serve as a facilitator between the family and the law enforcement agency. This individual will normally be a supervisor, in order to expedite the tasks of employing Department resources and the delegation of assignments. This officer will ensure that the needs and requests of the family are fulfilled. This includes, but is not limited to, the following:

(a) Providing oversight of travel and lodging arrangement for out-of-town family members.

(b) Identifying alternative Churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.

(c) Coordinating all official law enforcement notifications and arrangements, to include the honor guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies.

(d) Assisting family members in dealing with general media inquiries.

(e) Providing liaison with the media to include coordination of any statements and press conferences. The Department liaison shall also ensure that members of the Department are aware of restrictions regarding release of any information that might undermine future legal proceedings.

(f) Ensuring that security checks of the survivor's residence are initiated immediately following the incident, and for as long as necessary thereafter.

1044.4.5 FUNERAL LIAISON

The funeral liaison officer acts as a facilitator between the decedent officer's family and the Department during the funeral and wake. The funeral liaison officer is responsible for:

(a) Meeting with the family members, and explaining his responsibilities to them.

(b) Being available to the family prior to and throughout the funeral and wake.

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(c) Ensuring that the needs and wishes of the family come before those of the Department.

(d) Assisting the family in working with the funeral director regarding funeral arrangements.

(e) Relaying any information to the family concerning the circumstances of the decedent officer's death, and appropriate information regarding any investigation.

(f) Determining any special needs of the family during the funeral, and reporting this information to the Department liaison.

(g) Briefing the family members on the procedures involved in the law enforcement funeral.

1044.4.6 BENEFITS COORDINATOR

The benefits coordinator is responsible for:

(a) Filing workers' compensation claims and related paperwork.

(b) Presenting information on all benefits available to the family.

(c) Documenting inquiries and interest in public donations to the family, and establishing a mechanism for receipt of such contributions.

(d) Preparing all documentation of benefits and payments due survivors, to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments, and the name of a contact person or facilitator at each benefit or payment office.

(e) Filing all benefits paperwork, and maintaining contact with the family to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected, and explained to each of them.

1044.4.7 FAMILY SUPPORT ADVOCATE

The family support advocate serves in a long-term liaison and support capacity for the surviving family. The duties of this individual include:

(a) Providing contact with surviving family members to keep them abreast of criminal proceedings relating to the death of their family member.

(b) Accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings, and introducing them to prosecutors and others, as required.

(c) Identifying all support services available to family members, and working on their behalf to secure any services necessary.

(d) Maintaining routine contact with family members to provide companionship and emotional support, and to maintain an ongoing relationship between the Department and the immediate family.

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(e) Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance.

(f) Encouraging others to visit and help, as necessary.

1044.5 LINE OF DUTY INJURY

The family of a member not seriously injured, but requiring hospitalization, shall be immediately notified by the Department, and the family rendered any necessary assistance.

1044.6 ADOPTION / REVIEW / ACCREDITATION

Adopted: 5-11-01	Effective: 5-11-01
Review: Odd years	
Accreditation Standards: None	

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Personal Appearance Standards

1045.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the [Department/Office], employees of this [department/office] shall maintain their personal hygiene and appearance to project a professional image appropriate for this [department/office] and for their assignment.

1045.2 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.

1045.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1045.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1045.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1045.2.4 FACIAL HAIR

Full beards, Vandyke, or goatees may be worn; however, they must be trimmed and neat in appearance, as determined by the Chief of Police. Beard growth must be started during a vacation period of not less than one week. The length of the beard shall not exceed one inch and kept neatly trimmed along the neck, throat, and cheek bones.

1045.2.5 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.

1045.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a

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safety concern for the [department/office] member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the [department/office] member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1045.3 TATTOOS

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos include, but are not limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

1045.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

1045.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-08	Effective: 10-22-08
Updated: Lexipol 7/2020 -- D-20-006	Effective: 7-20-2020
Review: Odd years	
Accreditation: None	

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Personal Appearance Standards

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Uniform Regulations

1047.1 PURPOSE AND SCOPE

The uniform policy of the Newport Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Newport 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.

1047.2 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.

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(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. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1047.2.1 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 Operations Lieutenant.

1047.3 UNIFORM CLASSES

1047.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie

(b) Polished shoes

Boots with pointed toes are not permitted.

1047.3.2 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

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(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

1047.3.3 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.

1047.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in such specialized units as Canine Team, SWAT, Bicycle Patrol, Motor Officers, and other specialized assignments. Specialized unit uniforms will be worn in accordance with the unit specifications.

1047.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1047.3.6 RESERVE OFFICER UNIFORM
The reserve officer's uniform will be the same as for the regular officer with the exception of the badge. All uniform policies, regulations and specifications apply equally to reserve officers.

1047.4 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 first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. 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.

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(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1047.4.1 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.

1047.5 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

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3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Newport Police Department or the morale of the employees.

1047.5.1 TRAINING AND MEETINGS

Department members may either wear a uniform or civilian attire, as described above, when representing the Department at training sessions or meetings. Appropriate clothing may be worn when participating in firearms or training involving physical activities.

1047.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Newport 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 Newport 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.

1047.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

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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).

1047.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Newport Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Newport Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1047.9 ADOPTION / REVIEW / ACCREDITATION

Adopted: 10-8-2008	Effective: 10-22-2008
Updated: Lexipol 1/2010 - D-10-001	Effective: 1-20-2010
Updated: 3-26-2013 - D-13-006	Effective: 3-26-2013
Review: As needed	
Accreditation Standards: None	

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Nepotism and Conflicting Relationships

1051.1 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.

1051.1.1 DEFINITIONS

Definitions related to this policy include:

- 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.

- 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).

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.

€" Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

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).

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).

- An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

- An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1051.2 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:

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(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).

  (a) 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.

  (b) 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.

1051.2.1 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.

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.

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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.

1051.2.2 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.

1051.3 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-30-2009	Effective: 1-6-2010
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-2013
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1/10/2014
Review: As Needed	
Accreditation Standards: None	

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Business Transactions

1052.1 PURPOSE AND SCOPE

No employee shall conduct personal business while on duty, except on those occasions when authorized by an immediate supervisor. Employees should refrain from transacting a purchase or sale of anything of value with any person who comes to their attention through the course of their Department employment, if such a transaction would be one not open to the general public. In questionable cases the employee shall contact a supervisor to reduce the potential implication that the employee is taking advantage of an official position to influence the transaction.

1052.2 ADOPTED / REVIEW / ACCREDITATION

Adopted: 5-4-00	Effective: 5-20-00
Reviewed: 6-2-10	
Review: Even Years	
Accreditation Standards: OAA 1.1.2	

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Employee Involved Domestic Violence

1053.1 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.

1053.1.1 POLICY

The Newport 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.

1053.1.2 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.

1053.2 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).

1053.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

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1053.3 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 Shift Supervisor 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 WVCC 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.

1053.3.1 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 Newport 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 Newport 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.

1053.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a sworn employee of the Newport Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).

(b) The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.

(c) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.

(d) The transporting officer shall ensure that corrections personnel are notified of the person’s employee status to ensure the safety of the employee while he/she is in custody.

(e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

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1053.3.3 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.

1053.4 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.

1053.5 DEPARTMENT RESPONSIBILITIES

(a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:

1. Stalking and inappropriate surveillance activities.
2. Unusually high incidences of physical altercations, injuries, or verbal disputes.

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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.

1053.6 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.

1053.7 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-30-2009	Effective: 1-6-2010
Reviewed: 11-13-2015 (600)	
Review: As Needed	
Accreditation Standards: OAA 2.2.1	

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Department Badges

1055.1 PURPOSE AND SCOPE

The Newport Police Department badge and uniform patch as well as the likeness of these items and the name of the Newport Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1055.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Departmental badges shall be in strict compliance with this policy. Only authorized badges issued or approved by this Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1055.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, an additional uniform badge or a flat badge capable of being carried in a wallet. The use of these badges are 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 Newport Police Department with the written approval of the Chief of Police.

(b) Should a 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.

1055.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Community Service Officer).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1055.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1055.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1055.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Newport Police Department. The following modifications shall be included

  (a) The text on the upper and lower ribbons is replaced with the name of the employee association.

  (b) 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.

1055.5 ADOPTION / REVIEW / ACCREDITATION

Adopted: 12-30-09	Effective: 1-6-10
Review: Odd years	
Accreditation Standards: None	

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Temporary Modified-Duty Assignments

1057.1 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.

1057.2 POLICY

Subject to operational considerations, the Newport 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.

1057.3 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 Newport 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.

1057.4 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 the Operations Lieutenant 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 Operations Lieutenant 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 City Human Resources Department 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 Shift Supervisor or Operations Lieutenant, with notice to the Chief of Police.

1057.5 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 Operations Lieutenant.

1057.5.1 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 Operations Lieutenant 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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1057.5.2 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 Operations Lieutenant of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Operations Lieutenant and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1057.6 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.

1057.7 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.

1057.7.1 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.

1057.8 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.

1057.9 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.

1057.10 ADOPTION / REVIEW / ACCREDITATION

Adopted: 8-30-2010	Effective: 9-15-2010
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Review: As Needed	
Accreditation Standards: None	

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Employee Speech, Expression and Social Networking

1061.1 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.

1061.1.1 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.

1061.2 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 Newport 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.

1061.3 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 Newport 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.

1061.4 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 Newport 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 Newport Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Newport 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 Newport 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 Newport 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).

1061.4.1 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 Newport Police Department or identify themselves in any way that could be reasonably perceived as representing the Newport 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 Newport 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).

1061.5 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).

1061.6 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.

1061.7 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.

1061.8 ADOPTION / REVIEW / ACCREDITATION

Adopted: 6-30-2010	Effective: 7-15-2010
Updated: Lexipol 12/2011 -- D-11-014	Effective: 12-31-2011
Updated: Lexipol 12/2012 -- D-13-001	Effective: 1-19-2013
Updated: Lexipol 6/2013 -- D-13-016	Effective: 7-15-2013
Updated: Lexipol 12/2013 -- D-13-021	Effective: 1-10-2014
Reviewed: 11-13-2015 (600)	

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Employee Speech, Expression and Social Networking

Review: As Needed	
Accreditation Standards: None	

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Illness and Injury Prevention

1062.1 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 Newport 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.

1062.2 POLICY

The Newport 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. These activities will be done in conjunction with the City of Newport Safety committee.

1062.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Operations Lieutenant is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will (OAR 437-001-0765):

1. Meet monthly.
2. Prepare a written record of safety and health committee meetings.
3. Establish procedures for conducting workplace safety and health inspections.
4. Conduct quarterly workplace inspections.
5. Review the results of periodic scheduled inspections.
6. Review investigations of accidents and exposures.
7. Make suggestions to command staff for the prevention of future incidents.
8. Review investigations of alleged hazardous conditions.

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9. Submit recommendations to assist in the evaluation of member safety suggestions.
10. Assess the effectiveness of efforts made by the [Department/Office] 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)).

1062.3.1 SAFETY COMMITTEE

The Newport 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 Newport 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.

1062.4 ADMINISTRATION OPERATIONS LIEUTENANT RESPONSIBILITIES

The responsibilities of the Administration Operations Lieutenant include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

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1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(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/office] 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.

1062.5 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.

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(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Operations Lieutenant.

(e) Notifying the Operations Lieutenant when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
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.

1062.6 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 Operations Lieutenant via the chain of command.

The Operations Lieutenant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1062.7 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 Operations Lieutenant shall ensure that the appropriate documentation is completed for each inspection.

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1062.7.1 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.

1062.8 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.

1062.9 TRAINING

The Operations Lieutenant will 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.

1062.9.1 TRAINING TOPICS
The Operations Lieutenant shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

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(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(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.

1062.10 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).

1062.11 ADOPTED / REVIEW / ACCREDITATION

Adopted: 10-14-2015 Effective: 10-31-2015

Updated: Lexipol 12/2015 -- D-16-001 Effective: 1-26-2016

Updated: Lexipol 10/2016 -- D-17-003 Effective: 4-2-2017

Review: As needed

Accreditation Standards: OAA 1.5.7, 4.3.2

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Line-of-Duty Deaths

1063.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Newport Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1063.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1063.2 POLICY

It is the policy of the Newport 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.

1063.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and WVCC.

  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Chief of Police or designee section of this policy).

(b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1063.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Newport Police Department members may be apprised that survivor notifications are complete.

1063.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1063.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1063.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1063.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Operations Lieutenant or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1063.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Newport Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1063.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Operations Lieutenant. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Chief of Police or designee ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Chief of Police or designee section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1063.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1063.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1063.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Newport Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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1063.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Public Safety Memorial Fund (ORS 243.950 et seq.)
2. Education benefit (ORS 348.270)
3. Life insurance (ORS 243.025)
4. Death benefit (ORS 238.395; ORS 238A.230)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1063.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1063.7 CHIEF OF POLICE OR DESIGNEE

In the event of a line-of-duty death, the department's [PIO] should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the [PIO].

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

1063.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1063.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1063.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1063.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

1063.12 ADOPTION / REVIEW / ACCREDITATION

Adopted: 6-18-2017 Effective: 7-3-2017

Review: As Needed

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Line-of-Duty Deaths

Accreditation Standards: None

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INDEX / TOPICS

A

ACCOUNTABILITY
Supervisors. 20
ACKNOWLEDGEMENTS
Department-issued property. 555
Departmental directives. 31
ADMINISTRATIVE HEARINGS 511
ADMINISTRATIVE INVESTIGATIONS
OIS. 130
Recorded media files. 443
Use of force. 87
ADMINISTRATIVE LEAVE
Fitness for duty. 716
OIS. 126
ADULT ABUSE 200
Investigations. 521
AIRCRAFT
Ambulance. 481
Flying while armed. 140
Temporary flight restrictions. 268
AIRCRAFT ACCIDENTS 402
ALCOHOL
Intoxicants. 244
Vehicle use. 570
ALCOHOL 670
ALCOHOL USE 670
AMMUNITION
Kinetic energy projectiles. 114
ANIMAL CONTROL 617
ANIMALS
Dangerous. 139
Euthanize. 139
Injured. 139
Line-of-duty deaths. 782
ANTI-RETALIATION 659
APPOINTMENTS
Audio/video coordinator. 443
Line-of-duty death liaisons and coordinators 775
Operations director. 539
Press information officer (PIO). 267
ARRESTS
Authority. 9
Child and dependent adult safety. . . . 332
Citations. 390
Consular notifications. 635
Domestic violence. 181
First amendment assemblies. 478
Juveniles. 194
Log. 269
Mental health. 386
Safety belts. 699
Towed vehicles. 501
AUDIO/VIDEO RECORDING
Body-worn cameras. 440
OIS. 131
AUDITS
Conducted Energy device training. . . . 122
Property bureau. 599
AUTHORITY 9
Canine handler. 173
Civil commitments. 385
Ethics. 240
AUTOMATED EXTERNAL DEFIBRILLATORS
AED. 482

B

BACKGROUNDS
Ride-alongs. 366
BADGE
Mourning Badge. 744
BADGES 755
BARRICADED SUSPECTS 370
BATONS 113
BICYCLE PATROL 455
BIOLOGICAL SAMPLES
Hazards 403, 770
BLOOD TESTS 508
BODY ARMOR
Suspects. 135
BODY PIERCING 739
BODY-WORN CAMERAS 440
BOMBS 380
Aircraft accidents. 403
MDC/MDT. 439
Portable audio/video recorders. 442
BULLET
Casings. 604
Identification. 604

C

CANINE
Handler Compensation. 174
CANINES
Pursuits. 450
CAROTID CONTROL HOLD 83
CASH
Custody. 638
Vehicle inventory. 502
CHANGE OF ASSIGNMENT
Property bureau. 599
CHAPLAINS 324
Line-of-duty deaths. 782

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CHIEF EXECUTIVE OFFICER 17
CHILD AND DEPENDENT ADULT SAFETY 332
CHILDREN
Child safety. 332
Domestic violence. 179
Firearms. 143
Safety. 637
Transporting. 700
CITATIONS 390
Evaluation criteria. 491
Traffic. 491
CIVIL
Liability response. 131
Subpoena. 272
CIVIL COMMITMENTS 385
CIVIL DISPUTES 486
CIVILIAN/NON-SWORN
Crisis intervention incidents. 472
Investigation and prosecution. 519
CLOSED CONTAINER SEARCHES
Custodial searches. 632
CODE-3 164
COMMAND STAFF
Anti-retaliation. 661
Claims review. 557
Conducted energy device. 122
Line-of-duty deaths. 772
Policy reviews. 31
Work-related injuries. 730
COMMENDATIONS AND AWARDS . . . 709
COMMUNICABLE DISEASE
Health orders. 363
COMMUNICABLE DISEASES
Custody. 633
Illness and injury prevention. 766
COMMUNICATIONS CENTER
Domestic violence. 182
Mandatory sharing. 286
OIS. 125
COMMUNICATIONS WITH PERSONS WITH DISABILITIES 308
COMPUTERS
Digital evidence. 522
CONCEALED HANDGUN LICENSE . . . 70
CONDUCT
Anti-retaliation 659, 659
Fitness for duty. 716
Meritorious. 715
OIS. 125
Ride-alongs. 366
Standards of Conduct. 243
CONFIDENTIALITY
Communicable disease information. . . 684
Custodial telephone calls. 637
Fitness for duty. 717
Personnel records. 705
Protected information. 340
Radio broadcasts. 438
Retaliation complaints. 660
Surreptitious recording. 441
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 359
Warrant service. 541
CONTROL DEVICES
Carotid control hold. 83
Decontamination. 681
First amendment assemblies. 477
Pain compliance. 83
CORRESPONDENCE 61
COURT APPEARANCES 271
COURT ORDERS
Adult abuse. 203
Child custody. 333
Citation releases. 390
Civil disputes. 487
Domestic violence 179, 182
Property. 596
Source testing. 683
Subpoenas. 271
Surreptitious recording. 441
CRIME AND DISASTER SCENE INTEGRITY 362
CRIMINAL ACTIVITY REPORTING . . . 259
CRISIS INTERVENTION INCIDENTS . . 469
CUSTODIAL INTERROGATIONS 520
CUSTODIAL SEARCHES 627
CUSTODIAN OF RECORDS
Email. 58
Personnel records. 705

D

DAILY TRAINING BULLETINS (DTBS)
Training records. 704
DAMAGE BY CITY PERSONNEL 260
DEADLY FORCE APPLICATIONS 85
DEADLY FORCE REVIEW 92
DEATH
Chaplains. 327
Custody - adults. 639
Custody - juveniles. 198
Native American Graves (NAGPRA). . . 349
DEBRIEFING
OIS. 131

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Warrant service. 541
DECONFLICTION 545
DEFECTIVE VEHICLES 564
DEFINITIONS OF TERMS IN MANUAL . . 14
DEPARTMENT-OWNED AND PERSONAL PROPERTY 555
DEPARTMENTAL DIRECTIVES 31
DEPENDENT ADULTS
Safety 332, 637
DISCIPLINE
Custody - juvenile. 195
Records. 704
DISCLAIMER OF POLICIES 13
DOG INJURIES 169
DOMESTIC VIOLENCE 179
DOMESTIC VIOLENCE
Definition Of Terms. 751
Involving Employees. 751
DRIVING
Defensive. 341
Impaired. 507
MDC/MDT. 438
Safety. 244
DRIVING TACTICS 155
DRUG USE 670
DRUG-DETECTION DOGS 168
DUTY TO INTERCEDE 81

E

ELECTRICAL LINES 400
ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY DEVICE 117
ELECTRONIC CIGARETTES 685
EMERGENCY OPERATIONS PLAN 37
EMERGENCY UTILITY 400
EMPLOYEE ASSISTANCE 671
ETHICS 240
ETRACE 604
EVIDENCE
Bombs. 384
Digital. 522
NAGPRA. 349
Use of force. 84
EXPLOSIONS 383
EXPOSURE CONTROL 680
Reviews. 766
EXPOSURE(S) 368
EYEWITNESS IDENTIFICATION 528

F

FAILURE TO YIELD 151
FIELD SOBRIETY TESTS 507
FIREARMS 134
Civil commitments. 388
Conduct. 244
Destruction of animals. 619
Vehicle use. 571
FIRST AMENDMENT ASSEMBLIES . . . 474
FITNESS FOR DUTY
OIS. 126
FLAT BADGE 755
FLYING WHILE ARMED 140
FORCE 92
FOREIGN
Court orders. 182
Nationals. 635
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES 392
FORMS
Eyewitness identification. 528
Lab. 595
Property loss/damage claims. 557
Property release. 596
Ride-along waiver. 365

G

GANGS
Employee affiliation. 241
GRIEVANCES 655

H

HANDCUFFING AND RESTRAINTS . . . 103
Custody. 638
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Aircraft accidents. 403
Precautions. 681
Vehicle inventory. 502
HAZARDS 769
HIGH-VISIBILITY VESTS 492
HOSTAGES 370

I

ILLNESS AND INJURY PREVENTION . . 766
IMMUNIZATIONS 682
IMPAIRED DRIVING 507
INFORMATION TECHNOLOGY USE . . . 250
INITIATE A PURSUIT 152
INSPECTIONS
Firearms. 134

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Illness and injury prevention . . . 766, 769
Personal protective equipment. 770
Property bureau. 599
Vehicles 569, 770
INTERPRETATION 300
INVESTIGATION AND PROSECUTION . 519

J

JURISDICTION
Aircraft accidents. 403
Consular notification. 635
Foreign court orders. 182
OIS. 124
Registered offenders. 287

K

KEYS
Vehicle. 570
KINETIC ENERGY PROJECTILE 114

L

LAW ENFORCEMENT AUTHORITY 9
LIMITED ENGLISH PROFICIENCY
Eyewitness identification. 528
LIMITED ENGLISH PROFICIENCY . . . 300
LINE-OF-DUTY DEATHS 772

M

MEDIA 267
Aircraft accidents. 404
First amendment assemblies. 478
Line-of-duty deaths. 781
Operations plans. 547
Warrant service. 542
MEDIA REQUEST 267
MEDICAL
Adult involuntary detention. 203
Aircraft accidents. 402
Examinations - adult abuse. 204
For canines. 178
Illness and injury prevention. 766
Opioid overdoses. 483
Releases 86, 481
Screening - custody adults. 636
Screening custody-juveniles. 193
Treatment for OC spray. 113
Treatment for work-related injury and illness 730
MEDICAL LEAVE ACT (FMLA) 673
MOBILE AUDIO/VIDEO (MAV)
OIS. 131
MOBILE DIGITAL TERMINAL USE . . . 433
MUTUAL AID 285
First amendment assemblies. 477
Warrant service. 541

N

NONSWORN
Vehicles. 570
NOTIFICATION
Consular. 635
NOTIFICATIONS
Aircraft accidents. 403
Custody suicide attempt, death or serious injury
. . . . . 198, 639
Domestic violence. 183
Impaired driving. 509
Line-of-duty deaths. 773
NAGPRA. 349
OIS. 126
Post OC application. 114
Sick leave. 673
Use of force. 85
Vehicle towing. 500

O

OATH OF OFFICE 12
OC SPRAY 113
OC SPRAY 113
OFFICER SAFETTY
Personal appearance standards. 738
OFFICER SAFETY
Civil commitments. 386
Crime and disaster scene integrity. . . . 362
Domestic violence. 179
Firearm confiscation. 125
Foot pursuits. 450
Occupational hazards. 769
Safety belts. 699
Warrant service. 539
OFFICER-INVOLVED SHOOTING
OIS. 124
OPERATIONS PLANNING AND
DECONFLICTION 543
ORGANIZATIONAL STRUCTURE AND
RESPONSIBILITY 19
OUTSIDE AGENCY ASSISTANCE 285
OUTSIDE EMPLOYMENT
Obtaining Approval. 725
Prohibited Outside Employment. . . . 726
Security Employment. 727

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OVERTIME
Court. 273
Limitation on hours worked. 718
OVERTIME
Restrictions Working Undercover. . . . 727

P

PARKING 570
PATROL BICYCLE 455
PAYROLL RECORDS
Limitation on hours worked. 718
PEPPER SPRAY 113
PERFORMANCE EVALUATIONS
Sick leave. 674
Volunteers. 341
PERSONAL APPEARANCE STANDARDS . 738
PERSONAL PROTECTIVE EQUIPMENT . 582
PERSONNEL COMPLAINTS
Bias-based policing. 359
Portable audio/video file review. 443
PERSONNEL ORDERS 61
PERSONNEL RECORDS 703
PHOTOGRAPHS
Aircraft accidents. 404
First amendment assemblies. 475
Photo lineup. 530
PHYSICAL BODY CAVITY SEARCHES . 630
POLICY MANUAL 13
PREGNANCY
Custody 633, 638
PRESS INFORMATION OFFICER (PIO) . . 267
PRIVACY EXPECTATIONS
Audio/Video recordings. 440
Email. 57
MDC/MDT. 437
Technology use. 250
Unmanned aerial systems. 535
Vehicles. 569
PROTECTED INFORMATION
Criminal offender information. 613
PROTECTIVE CUSTODY
Dependent adults. 203
PUBLIC RECORDING OF LAW ENFORCEMENT
ACTIVITY 463
PURSUIT INTERVENTION 159
PURSUIT POLICY 151
PURSUIT UNITS 154
PURSUITS
Foot. 450

R

RANGEMASTER
Control devices. 112
Firearms. 134
Inspections. 134
RECORDS 601
RECORDS BUREAU
Administrative hearings. 511
Impaired driving. 511
Suspicious activity reports. 467
RECORDS RELEASE
Adult abuse. 205
Audio/video recordings. 444
Media. 269
RECORDS RETENTION
Audio/video recordings. 444
Illness and injury prevention. 771
Personal protective equipment training. . 585
REGISTRANTS 287
RELIGION
Accommodations in custody. 637
NAGPRA 349, 349
REPORT CORRECTIONS 262
REPORT PREPARATION 258
RESERVE OFFICERS
Coordinator. 275
Duties. 274
Firearms Requirements. 278
Training. 276
REVIEWS
Anti-retaliation. 661
Crisis intervention incidents. 473
Departmental directives. 31
Exposures. 766
Eyewitness identification process - annual. 528
Illness and injury prevention. 766
Mobile audio/video. 359
Portable audio/video files. 443
Public records on social media. 348
Use of force 87, 88
RIDE-AONGS 365
RISK ASSESSMENT 543
ROLL CALL TRAINING 361

S

SAFETY
Anti-retaliation. 659
Canine. 569
Communicable diseases. 680
Conduct. 244
Control devices. 115
First responder. 362

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Fitness for duty. 716
Inspections (occupational). 769
Media. 267
Occupational. 766
Personal protective equipment. 582
Temporary custody of juveniles. 195
Temporary flight restrictions. 268
SAFETY BELTS 699
SAFETY EQUIPMENT
High visibility vests. 492
Safety belts. 699
SEARCH AND SEIZURE 185
SEARCH WARRANTS 539
SEARCHES
Crime scene. 363
Custodial. 627
Police vehicle inspections. 569
SECURITY
Property room. 594
SECURITY EMPLOYMENT 727
SICK LEAVE 673
SMOKING AND TOBACCO USE 685
SOCIAL MEDIA 346
STANDARDS OF CONDUCT 238
STRIP SEARCHES 629
SUBPOENAS 271
SUSPICIOUS ACTIVITY REPORTING . . 466

T

TAKE-HOME VEHICLES 571
TASER 117
TATTOOS 739
TECHNOLOGY USE 250
TEMPORARY CUSTODY
Adults. 633
TEMPORARY CUSTODY OF JUVENILES . 192
TERMINATE A PURSUIT 153
TRAFFIC 490
TRAFFIC
Citations. 491
TRAFFIC OFFICER/DEPUTY 490
TRAFFIC SIGNAL 400
TRAINING
Adult abuse. 205
AED. 483
Child and dependent adult safety. . . . 335
Civil commitments. 388
Communicable disease. 684
Control devices. 115
Crisis intervention incidents. 473
Fair and objective policing. 360
Firearms. 137
First amendment assemblies. 479
Hazardous materials. 770
Occupational safety. 770
Operations planning and deconfliction. . 548
Opioid medication. 483
Personal protective equipment. 586
Social media. 348
UAS. 536
Use of force. 88
Warrant service. 542
TRAINING
Domestic Violence. 754
Searches. 631
TRAINING, CUSTODY 640
TRANSLATION 300

U

UNIFORM PATCH 755
UNIFORM REGULATIONS 741
UNIFORMS
Ride-along attire. 366
UNLAWFUL ASSEMBLY 477
UNMANNED AERIAL SYSTEM 535
URINE TESTS 508
USE OF FORCE
First amendment assemblies. 477
Forced blood sample. 510
USE OF SOCIAL MEDIA 346
UTILITY SERVICE 400

V

VEHICLE MAINTENANCE 564
VEHICLES
Inventory. 502
Volunteers. 341
VIDEO RECORDINGS
First amendment assemblies. 475
VOLUNTEER
Defined. 339
VOLUNTEERS 339

W

WARNINGS
Traffic. 491
WASHING OF VEHICLES 565
WATER LINES 400
WORK-RELATED INJURY AND ILLNESS
REPORTING 730

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