

SPAC SPD Policy Review - Current, Scheduled, and Future Meetings

Policy	Current Status	Prior Status	Prior SPAC Review	Proposed By	Meeting Date
#1.5.1, Use of Force, re: HB4301, emphasize de-escalation, form Use of	Final	In-progress	Draft reviewed December 2020	SPD	5/6/2021
#26-1-1, Code of Conduct, re: Section XVII, Business Cards	Final	In-progress	Not previously reviewed by SPAC	SPD	5/6/2021
#36.1.1, Body-Worn Camera, re: Brittney de Alicante input	Final	Final	Draft reviewed December 2020, Final shared April 2021	SPD	5/6/2021
re: workplace relationships. In addition to City Admin Reg 03-07.11	Draft - CAO review	In-progress	Not previously reviewed by SPAC	SPD/SPAC	Future
#36.1.2, In-Car Video	In-progress	In-progress	Not previously reviewed by SPAC	SPD	Future

GENERAL ORDER 1.5.1

Use of Force

GENERAL ORDER CROSS-REFERENCE: Chapter 47

SUMMARY

Establishes a procedure encompassing the use of force by Department members.

DISCUSSION

It is the policy of the Springfield Police Department to value and preserve human life. The use of force by police officers and detention officers is a matter of concern to the public, as well as to law enforcement. Officers are constantly involved in numerous and varied human encounters and when warranted, may use force in carrying out their duties. This Department recognizes the use of force is a serious responsibility that requires constant evaluation.

Officers must understand and appreciate the limitations of their authority particularly in overcoming resistance from those with whom they come in official contact. The decision to use force rests with each officer. It is expected officers will make such decisions in a professional, impartial, and safe manner in accordance with law and policy directives.

The department provides training to officers to prevent the unnecessary use of force; trains supervisors to adequately conduct post-use-of-force investigations; and prepares members for their reactions to stress during an incident, as well as after an incident.

POLICY

I

USE OF FORCE

Officers shall use only the force that is objectively reasonable to effectively bring an incident under control while, protecting the safety of the officer and others. Officers shall only use the level of force which a reasonably prudent officer would use under the same or similar circumstances. Officers shall strive to use the minimum force necessary to accomplish their lawful objectives. "Reasonableness" of the force used shall be judged from the perspective of a reasonable officer, with like or similar training and experience, on the scene at the time of the incident.

Officers may use force in five general instances only;

1. Self-defense.
2. Defense of others.
3. To effect an arrest (including a Police Officer Hold (ORS 426.228)).
4. To overcome resistance.

5. To prevent escape.

ORS 131.615 governs the stopping of persons and provides:

(1) A peace officer who reasonably suspects that a person has committed or is about to commit a crime may stop the person and, after informing the person that the peace officer is a peace officer, make a reasonable inquiry.

(2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable time.

(3) The inquiry shall be reasonable if it is limited to:

(a) The immediate circumstances that aroused the officer's suspicion of criminal activity; and

(b) Other circumstances arising during the course of the detention and inquiry that give rise to reasonable suspicion of criminal activity; and

(c) Ensuring the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(4) The inquiry may include a request for consent to search in relation to the circumstances specified in subsection (3) of this section or to search for items of evidence otherwise subject to search or seizure under ORS 133.535.

(5) A peace officer making a stop may use the degree of force reasonably necessary to make the stop and ensure the safety of the peace officer, the person stopped or other persons who are present.

ORS 810.410 governs the use of force while enforcing traffic crimes and infractions. In accordance with this policy, an officer may use the degree of force reasonably necessary to make the stop and ensure the safety of the officer, the person stopped or other persons present.

ORS 161.205 states that the use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under the following circumstance: A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.

HB 4301 Section 7 (2020) states as follows:

(1) A peace officer may use physical force upon another person only when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe:

(a) That the person poses an imminent threat of physical injury to the peace officer or to a third person; or

(b) That the use of physical force is necessary to:

(A) Make a lawful arrest when the peace officer has probable cause to believe the person has committed a crime; or

(B) Prevent the escape from custody of the person when the peace officer has probable cause to believe the person has committed a crime.

(2) A peace officer may use physical force upon another person under this section only to the degree that the peace officer reasonably believes necessary to prevent physical injury under subsection (a) of this section or to carry out a purpose described in subsection (b) of this section.

(3) Prior to using physical force upon another person, if the peace officer has a reasonable opportunity to do so, the police officer shall:

- (a) Consider alternatives such as verbal de-escalation, waiting or using other available resources and techniques if reasonable, safe and feasible; and
- (b) Give a verbal warning to the person that physical force may be used and provide the person with a reasonable opportunity to comply.

Under HB 4301 Section 9 (2020) a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances, which if true, would constitute an offense. An officer who is making an arrest is justified in using the physical force prescribed in this policy unless the arrest is unlawful and is known by the officer to be unlawful.

Use of Deadly Physical Force

HB 4301 Section 8 (2020) governs the lawful use of deadly force. In accordance with this policy and state law an officer may use deadly force only when it is objectively reasonable, under the totality of circumstances known to the police officer, to believe that the person poses an imminent threat of death or serious physical injury to the police officer or to a third person and the use of deadly physical force is necessary to:

- (1) Make a lawful arrest when the police officer has probable cause to believe the person has committed and violent felony:
- (2) Defend the police officer or a third person from the imminent threat of death or serious physical injury.
- (3) Prior to using deadly physical force upon another person, if the police officer has a reasonable opportunity to do so, the police officer shall:
 - (a) Consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and
 - (b) Give a verbal warning to the person that deadly physical force may be used and provide the person a reasonable opportunity to comply.
- (4) As used in this section, “violent felony has the meaning given that term in ORS 419A.004. “Violent felony” means any offense that, if committed by an adult, would

constitute a felony and:

- (a) Involves actual or threatened serious physical injury to a victim; or
- (b) Is a sexual offense. As used in this paragraph “sexual offense” has the meaning given the term sex crime in ORS 163A.005.

Under HB 4301 Section 9 (2020) a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances, which if true, would constitute an offense. An officer who is making an arrest is justified in using the physical force prescribed in this policy unless the arrest is unlawful and is known by the officer to be unlawful.

II

GO 1.6.1 provides direction on department authorized weapons and their use. Prior to being authorized to carry a firearm or other department issued weapons, all officers shall be provided a copy of GO 1.6.1 and receive instruction on its provisions.

III

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

Any application of force by a member of this department shall be evaluated by the standard of “reasonableness.” This standard recognizes that officers are expected to make split second decisions and the amount of time available to respond to changing circumstances may impact an officer’s decision. When evaluating the level of force to be applied, or whether an officer has used reasonable force, a number of factors shall be taken into consideration. Those factors include but are not limited to:

1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
2. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects).
3. Influence of drugs or alcohol.
4. Proximity of weapons.
5. Availability of other options including de-escalation techniques (What resources are reasonably available to the officer under the circumstances).
6. Seriousness of the suspected offense or reason for contact with the individual.
7. Training and experience of the officer.
8. Potential for injury to citizens, officers, and suspects.
9. Risk of escape.
10. Other exigent circumstances.

IV

DE-ESCALATION

For the purposes of this section “de-escalation” is defined as follows: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without use of force or with a reduction in the force necessary.

It is the policy of the Springfield Police Department that when the totality of the circumstances reasonably known to the officer indicate it is safe, prudent, and feasible to do so, the officer shall use de-escalation techniques.

De-escalation techniques include but are not limited to:

1. Calling for additional officers. The number of officers on scene may increase the available force options, a circumstance which has the potential to increase the ability of the officer(s) to reduce the overall amount of force used.
2. Requesting specialty assistance, such as Crisis Negotiators or Mental Health workers.
3. Tactical repositioning
4. Using distance, cover and concealment.
5. Containment of the threat or scene
6. Communicating from a safe position to gain the subject’s compliance through the use of verbal persuasion, advisements, and/or warnings. Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making.

Pursuant to HB 4301 Section 7 (2020), whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.

An officer is not expected to employ de-escalation techniques that could jeopardize the safety of the community or any officer. The immediacy of a threat or the need to take immediate action to prevent death or serious physical injury may foreclose the utilization of the de-escalation techniques by officers. If force is used officers may either escalate or de-escalate their use of force as the situation progresses or as circumstances change.

The application of de-escalation techniques will be reviewed using an objectively reasonable officer standard.

All officers shall receive annual training designed to reinforce the department’s policy objective of minimizing the number of use of force incidents.

All officers shall receive annual training designed to provide techniques for the use of and reinforce the importance of de-escalation.

V

CHOKE HOLDS, HEAD, NECK AND BACK RESTRAINTS

A department member is not justified, nor is it reasonable, in any circumstances to knowingly use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, except in circumstances in which physical force is justified in ORS 161.209 and 161.215.

VI

MEDICAL ASSISTANCE

Medical assistance shall be obtained as soon as it is safe to do so for subjects who have sustained physical injury reasonably requiring medical attention, complained of injury, sustained serious physical injury, or have been rendered unconscious. Medical attention for superficial injuries will be at the discretion of the on-duty supervisor. See GO 1.6.1, XI for specific treatment for individuals whose primary injury is due to their exposure to chemical agents or a Conducted Electrical Weapon (CEW- Taser).

VII

SUPERVISORY NOTICE/REPORTING REQUIREMENTS

Officers shall notify their supervisor as soon as practical following the application of physical force any time the use of force involves the use of Conducted Electrical Weapon (CEW - Taser), chemical agents, impact weapons (i.e. baton or asp), focused blows, lateral vascular neck restraint, hobble, firearms, or any force resulting in injury or complaint of injury.

Except when an officer's use of force causes death or serious injury or involves the intentional discharge of a firearm at another person, which shall be handled in accordance with provisions of sections VII through XI, officers shall include information in their incident report describing:

1. Level of resistance (i.e. static, escape, physical resist, assault officer).
2. Weapon used by suspect.
3. Type of force applied (i.e. CEW, direct contact, OC, physical control, impact weapons).
4. Any injuries sustained by department personnel.
5. Any injury to the suspect or threat of injury to another person.
6. Any medical treatment obtained by the suspect or department personnel
7. Any other reasonably relevant information that explains or justifies the officer's use of force, such as factors listed in section III of this policy.

VIII

SUPERVISORY RESPONSIBILITIES

Supervisors shall review the facts and circumstances of each use of force incident to ensure compliance with State law and Department policy. If the supervisor determines noncompliance, or questions its compliance, with State Law and Department Policy, they shall forward their findings to the Chief of Police with the request that the case be assigned for further investigation.

Copies of all reports involving the use of force shall be routed to the Professional Standards Sergeant.

VIII

USE OF FORCE INVESTIGATION/REVIEW PROCEDURES

Definition: For purposes of the following sections, the term “firearm” shall exclude any device designed or used to project a missile other than a bullet or shot, such as gas guns, use of a shotgun or other firearm for discharging ferret rounds, less-lethal type rounds, or other special purpose rounds designed for inanimate objects, except when such use results in physical injury or death of any person.

When an officer’s use of force: (1) involves the intentional discharge of a firearm at another person, (2) causes death or serious physical injury by any means (serious physical injury as defined in ORS 161.015(8)), (3) involves intermediate or serious force events in which a suspect or officer suffers a physical injury requiring medical treatment from a licensed medical provider, (4) involves any use of force referred by a supervisor for further investigation, or (5) involves an unintentional discharge of a firearm causing death or physical injury, the following procedures shall be followed:

The on-scene supervisor shall take immediate action to (1) stabilize the situation and (2) ensure notification of the appropriate command officers, IDFIT, the Chief of Police, Risk Management, and others as may be appropriate, (3) shall obtain a preliminary statement from the involved officer as soon as possible. The purpose in obtaining this statement will be to obtain public safety information (e.g. outstanding suspects, location of rounds, direction of travel, evidence, etc.).

X

When a member’s use of a firearm or any other weapon has caused death or serious physical injury, that weapon shall be taken into custody by an IDFIT investigator, supervisor, or command officer. The weapon of any officer shall also be surrendered, upon direction, to a supervisor for tests when necessary to determine which weapon caused injury and/or death. No officer shall refuse to surrender any weapon. Unless circumstances deem otherwise, the

supervisor shall, as soon as possible, replace the surrendered weapon.

XI

The department shall conduct an investigation, which may include separate administrative, civil liability, or criminal investigations. The provisions of this policy govern administrative investigations. If assigned, criminal and civil liability investigations will be conducted in accordance with law and procedure governing these types of investigations.

Involved officers shall be treated with sensitivity and will be afforded all their constitutional rights. As appropriate, they will be provided opportunities to confer with their attorney, association representative, clergy, psychologist, psychiatrist, etc.

Any in-depth interviews shall take place in a non-coercive, neutral environment, removed from the scene. The interview site shall be chosen taking the emotional and physical state of the involved officer into account. Every effort shall be made to minimize the number of interviews conducted. The officer shall be afforded a reasonable period to prepare for the interview and to allow for response of the officer's attorney and/or association representative. Reasonable breaks shall be afforded the officer during the course of the interview.

XII

A Force Review Committee shall be appointed to review every use of force described in section VIII, paragraph 2. The Committee will be appointed by the Chief of Police and will have three standing members to include the Patrol Division Commander, the Defensive Tactics Supervisor and the Firearms Instructor Supervisor. The standing members will be provided specific training (DPSST certified) on conducting administrative investigations and review of deadly force events. All members of the Force Review Committee will at a minimum have completed the 40 hour CIT training prior to being appointed a Committee member and one of the three standing members will be recognized within the Department as having an expertise in crisis intervention training. Ad hoc members shall include the involved officer's supervisor, and a firearms or defensive tactics instructor. The involved officer may select one other sworn member of the Department to serve on the Committee. The Patrol Division Commander shall chair the Committee.

The Committee shall determine findings of fact as to the circumstances surrounding the use of force. They shall consider the reasonableness of the officer's actions in accordance with law and the guidelines of this policy. The primary goals of the Committee are to thoroughly examine use of force incidents to identify areas for improvement in training, tactics, equipment or policy changes that will better prepare Department personnel for future use of force events and any reasonable alternatives to the actions taken that could potentially eliminate or reduce the likelihood of a use of the intermediate or greater level of force in the future. The Committee will examine not only the actual use of force, but the events/tactics and decision making of each involved officer that led up to the utilization of force and make appropriate recommendations as to policy or training modifications. The Committee shall forward their findings to the Chief of Police in writing.

The written response from the Committee will be a report in a fixed format consisting of the following sections:

Incident Summary

Timelines

Identification of Involved Personnel

Debriefs of each Involved Officer

Observations concerning:

1. Pre-use-of-force decision making that includes identification of key decision points for each involved officer, whether de-escalation was reasonably safe, prudent, and feasible and if so, whether attempts at de-escalation were made.
2. Policy
3. Supervision
4. Training; and
5. Equipment and Personnel.

Findings, concerning:

1. Equipment and personnel; and
2. Whether the involved officers' pre-use-of-force tactical decision making was consistent with training and policy.

Recommendations and Conclusions.

The Committee is not charged with making any disciplinary recommendations.

The Chief of Police will make the final decision whether the officer's use of force was within policy. The Chief of Police shall provide the involved officer with a written statement of his findings within a reasonable time.

If the use of force is determined not to be within policy, one or more of the following actions shall be taken:

1. If a violation of law or Department rules or regulation is substantiated, the matter shall be processed in accordance with Departmental disciplinary procedures.
2. If an incident is deemed to be caused by inadequate training, the matter shall be referred to the Professional Standards and Training Sergeant to ensure proper training is provided.
3. If the death or injury is caused by an accident, the matter may be dealt with as disciplinary or training depending upon the circumstances.

The Chief of Police is also responsible for implementation of the recommendations for change in policy, supervision, training, equipment and personnel, if any, within six months of the date of the report.

XIII

Use of force summaries and Force Review Committee findings shall be maintained by

the Professional Standards and Training Unit. The Professional Standards and Training Sergeant shall, on an annual basis, conduct an analysis to determine the need for training and or policy modifications.

XIV

MEMBERS INVOLVED IN DEATH/SERIOUS INJURY INCIDENTS

A member whose use of force results in serious injury or death to any person shall be placed on administrative leave with pay. The on-duty supervisor or Command Officer may direct such action pending approval by the Chief of Police. The administrative leave with pay shall be for a period of time which allows for the initial administrative review.

Following the initial administrative review, which is to determine the preliminary facts of the incident, the member may be returned to regular or modified duty as appropriate.

Employees shall be encouraged to make full use of the Employee Assistance Program. G.O. 22.3.2 Employee Wellness provides information on available employee assistance programs.

Richard Lewis
Chief of Police

GENERAL ORDER 1.5.1

Use of Force

GENERAL ORDER CROSS-REFERENCE: Chapter 47

SUMMARY

Establishes a procedure encompassing the use of force by Department members.

DISCUSSION

~~The Springfield Police Department recognizes and respects the value of human life and dignity without prejudice to anyone. It is the policy of the Springfield Police Department to value and preserve human life.~~ The use of force by police officers and detention officers is a matter of concern to the public, as well as to law enforcement. Officers are constantly involved in numerous and varied human encounters and when warranted, may use force in carrying out their duties. This Department recognizes the use of force is a serious responsibility that requires constant evaluation.

Officers must understand and appreciate the ~~limitations~~ of their authority particularly in overcoming resistance from those with whom they come in official contact. The decision to use force rests with each officer. It is expected officers will make such decisions in a professional, impartial, and safe manner in accordance with law and policy directives.

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1. Self-defense.
2. Defense of others.

3. To effect an arrest (including a Police Officer Hold (ORS 426.228)).
4. To overcome resistance.
5. To prevent escape.

ORS 131.615 ~~Provides that:~~ governs the stopping of persons and provides:

(1) A peace officer who reasonably suspects that a person has committed or is about to commit a crime may stop the person and, after informing the person that the peace officer is a peace officer, make a reasonable inquiry.

(2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable time.

- (3) The inquiry shall be reasonable if it is limited to:
- (a) The immediate circumstances that aroused the officer's suspicion of criminal activity; and
 - (b) Other circumstances arising during the course of the detention and inquiry that give rise to reasonable suspicion of criminal activity; and
 - (c) Ensuring the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(4) The inquiry may include a request for consent to search in relation to the circumstances specified in subsection (3) of this section or to search for items of evidence otherwise subject to search or seizure under ORS 133.535.

(5) A peace officer making a stop may use the degree of force reasonably necessary to make the stop and ensure the safety of the peace officer, the person stopped or other persons who are present.

ORS 810.410 governs the use of force while enforcing traffic crimes and infractions. In accordance with this policy, an officer may use the degree of force reasonably necessary to make the stop and ensure the safety of the officer, the person stopped or other persons present.

~~ORS 161.235 provides that: A peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:~~

~~———(1)——— To make an arrest or to prevent the escape from custody of an arrested person unless the peace officer knows that the arrest is unlawful; or~~

~~———(2)——— For self defense or to defend a third person from what the peace officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.~~

~~———ORS 161.239 governs the lawful use of deadly force. In accordance with this policy an~~

officer may use deadly force only when the officer believes that such force is necessary to defend the officer or another person from the use of or threatened imminent use of deadly physical force.

~~ORS 161.245 provides that: For the purpose of ORS 161.235 and ORS 161.239, a reasonable belief that a person has committed the offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense.~~

ORS 161.205 states that the use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under the following circumstance: A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.

HB 4301 Section 7 (2020) states as follows:

(1) A peace officer may use physical force upon another person only when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe:

(a) That the person poses an imminent threat of physical injury to the peace officer or to a third person; or

(b) That the use of physical force is necessary to:

(A) Make a lawful arrest when the peace officer has probable cause to believe the person has committed a crime; or

(B) Prevent the escape from custody of the person when the peace officer has probable cause to believe the person has committed a crime.

(2) A peace officer may use physical force upon another person under this section only to the degree that the peace officer reasonably believes necessary to prevent physical injury under subsection (a) of this section or to carry out a purpose described in subsection (b) of this section.

(3) Prior to using physical force upon another person, if the peace officer has a reasonable opportunity to do so, the police officer shall:

(a) Consider alternatives such as verbal de-escalation, waiting or using other available resources and techniques if reasonable, safe and feasible; and

(b) Give a verbal warning to the person that physical force may be used and provide the person with a reasonable opportunity to comply.

Under HB 4301 Section 9 (2020) a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances, which if true, would constitute an offense. An officer who is making an arrest is justified in using the physical force prescribed in this policy unless the arrest is unlawful and is known by the officer to be unlawful.

Use of Deadly Physical Force

HB 4301 Section 8 (2020) governs the lawful use of deadly force. In accordance with

this policy and state law an officer may use deadly force only when it is objectively reasonable, under the totality of circumstances known to the police officer, to believe that the person poses an imminent threat of death or serious physical injury to the police officer or to a third person and the use of deadly physical force is necessary to:

- (1) Make a lawful arrest when the police officer has probable cause to believe the person has committed and violent felony:
- (2) Defend the police officer or a third person from the imminent threat of death or serious physical injury.
- (3) Prior to using deadly physical force upon another person, if the police officer has a reasonable opportunity to do so, the police officer shall:
 - (a) Consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and
 - (b) Give a verbal warning to the person that deadly physical force may be used and provide the person a reasonable opportunity to comply.
- (4) As used in this section, “violent felony has the meaning given that term in ORS 419A.004. “Violent felony” means any offense that, if committed by an adult, would constitute a felony and:
 - (a) Involves actual or threatened serious physical injury to a victim; or
 - (b) Is a sexual offense. As used in this paragraph “sexual offense” has the meaning given the term sex crime in ORS 163A.005.

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Given that no policy reasonably predicts every situation an officer may encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force for each incident. While it is the ultimate objective of

every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires the officer to actually sustain physical injury before applying reasonable force.

Any application of force by a member of this department shall be evaluated by the standard of “reasonableness.” This standard recognizes that officers are expected to make split second decisions and the amount of time available to respond to changing circumstances may impact an officer’s decision. When evaluating the level of force to be applied, or whether an officer has used reasonable force, a number of factors shall be taken into consideration. Those factors include but are not limited to:

1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
2. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects).
3. Influence of drugs or alcohol.
4. Proximity of weapons.
5. Availability of other options including de-escalation techniques (What resources are reasonably available to the officer under the circumstances).
6. Seriousness of the suspected offense or reason for contact with the individual.
7. Training and experience of the officer.
8. Potential for injury to citizens, officers, and suspects.
9. Risk of escape.
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DE-ESCALATION

For the purposes of this section “de-escalation” is defined as follows: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without use of force or with a reduction in the force necessary.

It is the policy of the Springfield Police Department that when the totality of the circumstances indicate reasonably known to the officer indicate it is safe, prudent, and feasible to do so, the officer shall make reasonable attempts to use de-escalation techniques to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available to resolve the situation safely and effectively use de-escalation techniques.

De-escalation techniques include but are not limited to:

1. Calling for additional officers. The number of officers on scene may increase the available force options, a circumstance which has the potential to increase the ability of the officer(s) to reduce the overall amount of forced used.

2. Requesting specialty assistance, such as Crisis Negotiators or Mental Health workers.
3. Tactical repositioning
4. Using distance, cover and concealment.
5. Containment of the threat or scene
6. Communicating from a safe position to gain the subject's compliance through the use of verbal persuasion, advisements, and/or warnings. Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making.
7. ~~Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.~~

Pursuant to HB 4301 Section 7 (2020), whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.

An officer is not expected to employ de-escalation techniques that could jeopardize the safety of the community or any officer. The immediacy of a threat or the need to take immediate action to prevent death or serious physical injury may foreclose the utilization of the de-escalation techniques by officers. If force is used officers may either escalate or de-escalate their use of force as the situation progresses or as circumstances change.

The application of de-escalation techniques will be reviewed using an objectively reasonable officer standard.

~~All officers shall receive annual training designed to reinforce the department's policy objective of minimizing the number of use of force incidents and to provide techniques to reinforce the importance of de-escalation.~~

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CHOKER HOLDS, HEAD, NECK AND BACK RESTRAINTS

~~A department member is not justified, nor is it reasonable, in any circumstances to knowingly use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, unless the circumstance is one in which the peace officer may use deadly physical forces as provided in ORS 161.239.~~

A department member is not justified, nor is it reasonable, in any circumstances to knowingly use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, except in circumstances in which physical force is justified in ORS 161.209 and 161.215.

V

MEDICAL ASSISTANCE

Medical assistance shall be obtained as soon as it is safe to do so for subjects who have sustained physical injury reasonably requiring medical attention, complained of injury, sustained serious physical injury, or have been rendered unconscious. Medical attention for superficial injuries will be at the discretion of the on-duty supervisor. See GO 1.6.1, XI for specific treatment for individuals ~~who have been sprayed with~~ whose primary injury is due to their exposure to chemical agents or ~~OC spray~~. or have been the subject of a Conducted Electrical Weapon (CEW- Taser deployment).

VI

SUPERVISORY NOTICE/REPORTING REQUIREMENTS

Officers shall notify their supervisor as soon as practical following the application of physical force any time the use of force involves the use of Conducted Electrical Weapon (CEW - Taser), chemical agents, impact weapons (i.e. baton or asp), focused blows, lateral vascular neck restraint, hobble, firearms, or any force resulting in injury or complaint of injury.

Except when an officer's use of force causes death or serious injury or involves the intentional discharge of a firearm at another person, which shall be handled in accordance with provisions of sections VII through XI, officers shall include information in their incident report describing:

1. Level of resistance (i.e. static, escape, physical resist, assault officer).
2. Weapon used by suspect.
3. Type of force applied (i.e. CEW, direct contact, OC, physical control, impact weapons).
4. Any injuries sustained by department personnel.
5. Any injury to the suspect or threat of injury to another person.
6. Any medical treatment obtained by the suspect or department personnel
7. Any other reasonably relevant information that explains or justifies the officer's use of force, such as factors listed in section III of this policy.

VII

SUPERVISORY RESPONSIBILITIES

Supervisors shall review the facts and circumstances of each use of force incident to ensure compliance with State law and Department policy. If the supervisor determines noncompliance, or questions its compliance, with State Law and Department Policy, they shall forward their findings to the Chief of Police with the request that the case be assigned for further investigation.

Copies of all reports involving the use of force shall be routed to the Professional Standards Sergeant.

VIII

USE OF FORCE INVESTIGATION/REVIEW PROCEDURES

Definition: For purposes of the following sections, the term “firearm” shall exclude any device designed or used to project a missile other than a bullet or shot, such as gas guns, use of a shotgun or other firearm for discharging ferret rounds, less-lethal type rounds, or other special purpose rounds designed for inanimate objects, except when such use results in physical injury or death of any person.

When an officer’s use of force (1) involves the intentional discharge of a firearm at another person, (2) causes death or serious physical injury by any means (serious physical injury as defined in ORS 161.015(8)), (3) involves intermediate or serious force events in which a suspect or officer suffers a physical injury requiring medical treatment from a licensed medical provider, (4) involves any use of force referred by a supervisor for further investigation, or (4) (5) involves an unintentional discharge of a firearm causing death or physical injury, the following procedures shall be followed:

The on-scene supervisor shall take immediate action to (1) stabilize the situation and (2) ensure notification of the appropriate command officers, IDFIT, the Chief of Police, Risk Management, and others as may be appropriate, (3) shall obtain a preliminary statement from the involved officer as soon as possible. The purpose in obtaining this statement will be to obtain public safety information (e.g. outstanding suspects, location of rounds, direction of travel, evidence, etc.).

IX

When a member’s use of a firearm or any other weapon has caused death or serious physical injury, that weapon shall be taken into custody by an IDFIT investigator, supervisor, or command officer. The weapon of any officer shall also be surrendered, upon direction, to a supervisor for tests when necessary to determine which weapon caused injury and/or death. No officer shall refuse to surrender any weapon. Unless circumstances deem otherwise, the supervisor shall, as soon as possible, replace the surrendered weapon.

X

The department shall conduct an investigation, which may include separate

administrative, civil liability, or criminal investigations. The provisions of this policy govern administrative investigations. If assigned, criminal and civil liability investigations will be conducted in accordance with law and procedure governing these types of investigations.

Involved officers shall be treated with sensitivity and will be afforded all their constitutional rights. As appropriate, they will be provided opportunities to confer with their attorney, association representative, clergy, psychologist, psychiatrist, etc.

Any in-depth interviews shall take place in a non-coercive, neutral environment, removed from the scene. The interview site shall be chosen taking the emotional and physical state of the involved officer into account. Every effort shall be made to minimize the number of interviews conducted. The officer shall be afforded a reasonable period to prepare for the interview and to allow for response of the officer's attorney and/or association representative. Reasonable breaks shall be afforded the officer during the course of the interview.

XI

A Force Review ~~Board~~ Committee shall be appointed to review every use of force described in section ~~VII and any use of force where there is a serious physical injury to either the suspect or officer.~~ VIII, paragraph 2. The ~~Committee~~ Board will be appointed by the Chief of Police and will have three standing members to include the Patrol Division Commander, the Defensive Tactics Supervisor and the Firearms Instructor Supervisor. The standing members will be provided specific training (DPSST certified) on conducting administrative investigations and review of deadly force events. All members of the Force Review ~~Board~~ Committee will at a minimum have completed the 40 hour CIT training prior to being appointed a ~~Board~~ Committee member and one of the three standing members will be recognized within the Department as having an expertise in crisis intervention training. Ad hoc members shall include the involved officer's supervisor, and a firearms or defensive tactics instructor. The involved officer may select one other sworn member of the Department to serve on the ~~Board~~ Committee. The Patrol Division Commander shall chair the ~~Board~~ Committee.

The ~~Board~~ Committee shall determine findings of fact as to the circumstances surrounding the use of force. They shall consider the reasonableness of the officer's actions in accordance with law and the guidelines of this policy. The primary goals of the ~~Board~~ Committee are to thoroughly examine use of force incidents to identify areas for improvement in training, tactics, equipment or policy changes that will better prepare Department personnel for future use of force events and any reasonable alternatives to the actions taken that could potentially eliminate or reduce the likelihood of a use of the intermediate or greater level of force in the future. The ~~Board~~ Committee will examine not only the actual ~~shooting use of force~~, but the events/tactics and decision making of each involved officer that led up to the utilization of ~~deadly force~~ and make appropriate recommendations as to policy or training modifications. The ~~Board~~ Committee shall forward their findings to the Chief of Police in writing.

~~The written response from the Board will be in a fixed format consisting of the following: Incident Summary; Timelines; Identification of Involved Personnel; Debriefs; Observations including identification of key decision points made by the involved officers and whether de-~~

~~escalation was reasonably feasible and if so, whether attempts at de-escalation were made, policy, supervision, training, equipment and personnel; *Findings*, concerning equipment and personnel and whether the involved officers pre-injury tactical performance was consistent with training and policy; *Recommendations and Conclusion*. The Board is not charged with making any disciplinary recommendations.~~

The written response from the Committee will be a report in a fixed format consisting of the following sections:

Incident Summary

Timelines

Identification of Involved Personnel

Debriefs of each Involved Officer

Observations concerning:

1. Pre-use-of-force decision making that includes identification of key decision points for each involved officer, whether de-escalation was reasonably safe, prudent, and feasible and if so, whether attempts at de-escalation were made.
2. Policy
3. Supervision
4. Training; and
5. Equipment and Personnel.

Findings, concerning:

1. Equipment and personnel; and
2. Whether the involved officers' pre-use-of-force tactical decision making was consistent with training and policy.

Recommendations and Conclusions.

The Committee is not charged with making any disciplinary recommendations.

The Chief of Police will make the final decision whether the officer's use of force was within policy. The Chief of Police shall provide the involved officer with a written statement of his findings within a reasonable time.

If the use of force is determined not to be within policy, one or more of the following actions shall be taken:

1. If a violation of law or Department rules or regulation is substantiated, the matter shall be processed in accordance with Departmental disciplinary procedures.
2. If an incident is deemed to be caused by inadequate training, the matter shall be referred to the Professional Standards and Training Sergeant to ensure proper training is provided.
3. If the death or injury is caused by an accident, the matter may be dealt with as disciplinary or training depending upon the circumstances.

The Chief of Police is also responsible for implementation of the recommendations for

change in policy, supervision, training, equipment and personnel, if any, within six months of the date of the report.

XII

Use of force summaries and Force Review ~~Board-Committee~~ findings shall be maintained by the Professional Standards and Training Unit. The Professional Standards and Training Sergeant shall, on an annual basis, conduct an analysis to determine the need for training and or policy modifications.

XIII

MEMBERS INVOLVED IN DEATH/SERIOUS INJURY INCIDENTS

A member whose use of force results in serious injury or death to any person shall be placed on administrative leave with pay. The on-duty supervisor or Command Officer may direct such action pending approval by the Chief of Police. The administrative leave with pay shall be for a period of time which allows for the initial administrative review.

Following the initial administrative review, which is to determine the preliminary facts of the incident, the member may be returned to regular or modified duty as appropriate.

Employees shall be encouraged to make full use of the Employee Assistance Program. G.O. 22.3.2 Employee Wellness provides information on available employee assistance programs.

Richard Lewis
Chief of Police

GENERAL ORDER 26.1.1

Code of Conduct

GENERAL ORDER CROSS-REFERENCE: 1.5.1, 26.3.1

SUMMARY

Describes the Department's Code of Conduct.

DISCUSSION

The "Law Enforcement Code of Ethics" is adopted as a general standard of conduct for the members of the Springfield Police Department. Members shall obey all rules and regulations, directives or orders of the Department.

Each member of the Springfield Police Department shall strive toward the highest professional standard of conduct. Members are required to obey the lawful orders of superiors, to discharge their duties and maintain their relations with the public and other members of the Department so as to promote and enhance Department efficiency and effectiveness.

POLICY

I DISCRETION

Members are often called upon to make difficult decisions. They must exercise discretion within the law to protect lives and property. Officers must be faithful to their oath of office, the standards set by DPSST, and the objectives of the Department. Members shall not allow personal motives to govern their decisions and conduct.

II CONDUCT UNBECOMING AN OFFICER

The conduct of an officer, on or off duty, reflects directly upon the Department. Officers must at all times conduct themselves in a manner which does not bring discredit to themselves, the Department or the City, or impair the operational efficiency of the Department or employee.

III RESPECT FOR CONSTITUTIONAL RIGHTS

No person has a Constitutional right to violate the law; neither may any person be deprived of his Constitutional rights merely because he is suspected of having committed a crime. An officer may enforce any Federal, State or local statute which is valid on its face without fear of abrogating the Constitutional rights of any person violating that statute.

**IV
USE OF FORCE**

Members shall use force only in accordance with G.O. 1.5.1.

**V
INTEGRITY**

Members shall avoid any conduct which might compromise the integrity of themselves, other members, or the Department.

**VI
MEMBER'S RELATIONS WITH VENDORS AND CONTRACTORS**

When representing the Department to business organizations which are, or which are likely to become, vendors or contracting parties with the Department, members must conduct themselves in an ethical manner taking care to avoid conflicts of interest. Information of a confidential nature, or confided in an official capacity, shall be kept as such unless disclosure is necessitated in the furtherance of Department objectives.

**VII
ENDORSEMENT OF PRODUCTS AND SERVICES**

The Department's position of providing fair and impartial service dictates that each member must scrupulously avoid using his official capacity, title, or position to endorse any organization, program, product, or service unless such endorsement is approved by the Chief of Police.

**VIII
COMPLIANCE WITH LAWFUL ORDERS**

The Department is an organization with a clearly defined authority structure. Members shall comply with all lawful orders of a superior. The burden of proof that an order is not lawful is on the member not the Department.

**IX
ATTENTION TO DUTY**

As most police work is necessarily performed without close supervision, the responsibility for the proper performance of a member's duty lies primarily with the member. Each employee has a general obligation to protect the community and other members; and a specific responsibility to carry out the member's assigned duties.

**X
DUTY TO INTERVENE AND REPORT**

Officers or reserve officers present and observing another officer or reserve officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intervene to prevent the unreasonable use of force, unless the intervening officer cannot intervene safely. Intervention may be verbal and/or physical. An officer who observes another employee use force that is clearly beyond that which is objectively reasonable under the circumstances shall promptly report these observations to a supervisor as soon as practicable, but no later than 72 hours after witnessing the misconduct.

The Courts have established a two-pronged test in such incidents by ruling, "... a police officer who fails to act to prevent the use of excessive force by another officer may only be held liable when (1) the officer observed or had reason to know that excessive force would be or was being used, and (2) the officer had both the opportunity and the means to prevent the harm from occurring.

Oregon House Bill (HB) 4205 (effective June 30, 2020) requires officers and reserve officers to intervene to prevent or stop another police officer or reserve officer engaged in any act the intervening officer knows or reasonably should know is misconduct, unless the intervening officer cannot intervene safely.

HB 4205 defines "misconduct" as:

- (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the use of force policy for the law enforcement unit employing the offending officer;
- (b) Sexual harassment or sexual misconduct;
- (c) Discrimination against a person based on race, color, religion, sex, sexual orientation, national origin, disability or age;
- (d) A crime; or
- (e) A violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A410.

Members, without regard to rank or assignment, who witness another officer or reserve officer engaging in misconduct shall report the misconduct to a supervisor as soon as practicable, but no later than 72 hours after witnessing the misconduct.

Failure to intervene or report as required by state law is grounds for disciplinary action by the Department. It is also grounds for the Department of Public Safety Standards and Training to suspend or revoke the officer's certification as provided in ORS 181A.630, 181A640 and 181A650.

The Department may not discharge, demote, suspend or in any manner discriminate or retaliate against a police officer, reserve officer or member with regard to promotion, compensation, or other terms, conditions or privileges of employment for the reason that the officer or member intervened or reported as required by statute.

XI
REFUSAL TO WORK/STRIKE

Oregon law prohibits police officers from engaging in any strike, work stoppage, or slow down. All members of the Springfield Police Association and non-represented sworn personnel are subject to this legal provision. Members of the SEIU and OPEU have contract and State law defined rights to strike. It is the policy of this Department to take disciplinary action against any member who plans or engages in any strike, work stoppage or slowdown in violation of law, City policy, or contract.

XII
GENERAL CONDUCT

1. Violation of Rules: Members shall not commit or omit acts which constitute a violation of any of the rules, regulations, directives or orders of the Department.
2. Violation of Law: Members shall obey all laws of the United States, including any state or local jurisdiction in which you are present. A conviction or a violation of any law will be *prima facie* evidence of a violation of this section.

The Department will not take administrative action against employees for parking violations and minor traffic infractions unless they are flagrant or repeated.

3. Unbecoming Conduct: Members shall conduct themselves at all times, both on and off duty, in such a manner as not to bring discredit on the Department. Conduct unbecoming a member shall include that conduct which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.
4. Neglect of Duty: Members shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.
5. Fictitious Illness or Injury Reports: Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any supervisor of the Department as to the condition of their health.
6. Sleeping on Duty: Members shall remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.
7. Leaving Duty Post: Members shall not leave an assigned duty post during a tour of duty except when authorized by proper authority.

8. Unsatisfactory Performance: Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Examples of unsatisfactory performance include: a lack of the skills, knowledge and abilities for the employee's position; an unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the member's rank, grade or position; a repeated lack of punctuality in reporting for work; failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention. Repeated 'needs improvement' evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department, may be considered unsatisfactory performance.
9. Absence without Leave: No employee may be absent from duty without permission of a supervisor. An employee absent for 3 consecutive days without authorization, except for an unavoidable situation, shall be considered to have abandoned his job as of the last day of active employment.
10. Truthfulness: Members shall truthfully answer all questions from persons of higher rank which are specifically directed and narrowly related to the scope of employment and operations of the Department.

XIII

ALCOHOLIC BEVERAGES AND DRUGS IN POLICE INSTALLATIONS

Members shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except for a police purpose, or prescribed by a physician for the member's use.

1. Possession and Use of Drugs: Members shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed by a physician or dentist. The use of marijuana is prohibited. When controlled substances, narcotics, or hallucinogens are prescribed, members shall notify their supervisor.
2. Use of Alcohol:
 - a. Members shall not consume intoxicating beverages while in uniform.
 - b. Members shall not consume intoxicating beverages while on duty except in the performance of duty and with the approval of a supervisor.
 - c. Members shall not appear for duty, or be on duty, while impaired by intoxicants, or with an odor of intoxicants on their breath, except as specified in B above.
 - d. Members shall not consume intoxicating beverages off-duty which results in behavior which brings discredit to the Department or the member as an

employee of the Department.

XIV CONFLICTING OR ILLEGAL ORDERS

Members given an order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be on the supervisor. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

Members shall not obey any order which they know or reasonably should know would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the supervisor to clarify the order if time permits. The burden of proof that an order is not legal rests on the employee receiving the order.

XV GIFTS, GRATUITIES, BRIBES OR REWARDS

Members shall not solicit or accept from any person, business or organization any gift (including money, personal property, food, beverages, loans, promises, services, or entertainment) for the benefit of the member or the Department, if it may reasonably be inferred that the person, business or organization:

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance on an official duty, or
2. Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

XVI ABUSE OF POSITION

Use of Official Position or Identification: Members shall not use their official position, official identification cards or badges:

1. For personal or financial gain.
2. For obtaining privileges not otherwise available to them, except in the performance of duty, or
3. For avoiding consequences of illegal acts.

Members shall not lend to another person their identification cards or badges or permit them to be reproduced without the approval of the Chief.

XVII IDENTIFICATION

Officers shall carry their badges and identification cards on their person at all times while on duty except when impractical or dangerous to their safety or to an investigation.

Officers and staff are required to provide their name and/or badge number if requested by a member of the public. Members are not required to provide their name and/or badge number/report writing number if doing so would: compromise the member's safety, impair the performance of official duties at the scene, and/or supervisor has relieved the member of the identification mandate.

BUSINESS CARDS

1. Prior to the conclusion of a vehicle stop or call for service, officers will offer their business card to the driver of the vehicle stopped or the person contacted.
2. Officers must provide their agency business card to any person that requests one, regardless of the person's reason for making the request.
3. Exceptions to these listed requirements are members who are conducting undercover operations or during temporary circumstances that may prevent offering or providing a business card, including situations that could impair safety or compromise or delay an investigation; or if a supervisor has relieved the member of the Department's business card mandate.

XVII COURTESY

Members shall be courteous to the public. Members shall make every effort to be tactful, control their tempers, exercise patience and discretion, and shall avoid engaging in argumentative discussions. Members shall avoid unnecessary use of coarse, violent, profane or insolent language or gestures. Members shall not express any negative bias concerning age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability

XVIII ASSOCIATIONS

Members shall avoid regular or continuous associations or dealings with persons whom they know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for recent involvement in felonious or criminal behavior,

except as necessary to the performance of official duties.

Members finding themselves in unavoidable violation of this section shall report the conflict to a command officer as soon as it becomes known to the member.

XIX PUBLIC STATEMENTS AND APPEARANCES

Members shall not publicly criticize or ridicule the Department, its policies, or other members that negatively impacts the Department's ability to serve the public. Members may address public gatherings, appear on radio or television, prepare articles for publication, or act as correspondents to a newspaper or a periodical, when such is beneficial to the image of the Department. Members shall conscientiously avoid the release of any confidential information or information which compromises any investigation. Nothing in the policy prohibits a member from reporting misconduct by public officials to the appropriate agencies.

XXI PERSONAL APPEARANCE

The Springfield Police Department is by and large a uniformed public service agency where discipline is judged, in part, by the manner in which an officer wears a prescribed uniform, as well as by the individual's personal appearance. Therefore, a neat and well-groomed appearance by all officers is fundamental to the Department and contributes to building the pride and esprit de corps essential to an effective police department. A vital ingredient of the department's effectiveness is the pride and self-discipline that officers portray through a professional police image. It is the responsibility of police supervisors to ensure that officers under their command present a neat and professional appearance. Therefore, in the absence of specific procedures or guidelines, supervisors must determine an officer's compliance with standards in this policy. Officers must take pride in their appearance at all times, in or out of uniform, on and off duty.

1. Members shall wear uniforms or other clothing in accordance with established Department procedures outlined in G.O. 26.3.1.
2. No visible tattoos are allowed while on-duty or while representing the Department in any official capacity. No employees shall obtain or have any tattoo(s) which could be interpreted as racist or gang related in nature. Employees shall not obtain any tattoos that cannot be covered up while wearing an authorized uniform, civilian attire, or other means of concealment approved by Chief of Police, including:
 - a. Tattoos on the head, face or neck area above the clavicle; or
 - b. Tattoos on the hands below the wrist bone.

The Chief of Police may grant any exception in writing regarding display of tattoos. Officers in undercover assignments may be excused from this policy by

approval of the Chief of Police.

3. 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 by the Chief of Police. Normal/routine cosmetic surgery is not included. Such body alteration includes, but is not limited to:

- a. Tongue splitting
- b. Dental art
- c. The complete or transdermal implantation of any material other than hair replacement.
- d. Abnormal shaping of the ears, eyes, nose or teeth
- e. Branding or scarification
- f. Jewelry worn associated with body piercing
- g. Contact lenses of an unnatural color

4. All members may wear jewelry that is clean, neat and of a style that presents a professional appearance, is not offensive to others, and is consistent with the type of assignment and duty performed. Standards for wearing jewelry:

- a. No ring will be worn so that it interferes with the use of equipment or hinders the use of the hand and fingers.
- b. Sworn members, while in uniform, may wear one watch, one bracelet, and a necklace that is not visible.
- c. Sworn female members may wear one earring stud per earlobe.
- d. Sworn male members are not allowed to wear earrings.
- e. Non-sworn females may wear a maximum of three earrings per ear. Plugs (used to enlarge piercing holes in the ear lobes) are prohibited.
- f. No tongue studs, rings or visible body piercing (other than listed above in 4.c and 4.e) will be worn.

5. Based on the Department's need for uniformity and safety, except when acting under the orders of a supervisor, members on duty shall maintain a neat, well-groomed appearance and shall style their hair in accordance with the following guidelines:

- a. Male Officers:
 - i. Many hairstyles are acceptable as long as they are neat and do not interfere with officers' assigned duties or uniform headgear. It is not possible to address every acceptable or non-acceptable hairstyle. Therefore, it is the responsibility of supervisors at all levels of the organization to exercise good judgment in the enforcement of Department policy.

Hair must be clean, neat and combed. Hair will be worn no longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture, except the closely cut hair on the back of the neck. The length and bulk of the hair shall not be excessive or present a ragged, unkempt or extreme appearance. Hair may not extend beyond the bottom of the ear lobe. The bulk or length of the hair shall not interfere with the use of police equipment including head gear.

Hair that is clipped closely or shaved close to the scalp is authorized. Dyeing or highlighting hair is permitted, but members' hair color must be consistent with a naturally occurring color range and must be professional in appearance.

- ii. Wigs or hair pieces are permitted when they conform to the above standards for natural hair.
- iii. Sideburns shall be neatly trimmed. Sideburns may not be flared; the base of the sideburn shall be a clean-shaven horizontal line. They shall not extend below the bottom of the ear lobe.
- iv. Officers shall be clean shaven, except that they may have mustaches which do not extend below the upper lip line.

b. Female Officers

- i. Many hairstyles are acceptable as long as they are neat and do not interfere with officers' assigned duties or uniform headgear. It is not possible to address every acceptable or non-acceptable hairstyle; therefore, it is the responsibility of supervisors at all levels of the organization to exercise good judgement in the enforcement of Department policy.

Hair must be clean, neat and combed. Hair will be worn no longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture, except the closely cut hair on the back of the neck. The length and bulk of the hair shall not be excessive or present a ragged, unkempt or extreme appearance. Hair may not extend beyond the bottom of the ear lobe. The bulk or length of the hair shall not interfere with the use of police equipment including head gear.

Hair that is clipped closely or shaved close to the scalp is authorized. Dyeing or highlighting hair is permitted, but members' hair color must be consistent with a naturally occurring color range and must be professional in appearance. Members are prohibited

from dyeing hair in patterns or prints.

ii. Wigs or hairpieces are permitted if they conform to the above standards.

c. Non-Sworn Members:

i. Hair shall be clean, neat and combed. As with sworn members, ragged, unkempt or extreme hairstyles and/or colors are prohibited. Hair styles shall conform to normally accepted business practices and shall not interfere with job duties.

ii. Neatly trimmed beards and/or mustaches are permitted for male non-sworn members who are not assigned to uniform duty.

XXII POLITICAL ACTIVITY

Members shall be permitted to participate fully in public affairs and political activities except as provided by law and City policy.

Members are prohibited from:

- a. Using their official capacity to influence, interfere with, or affect the results of an election.
- b. Otherwise engaging in prohibited partisan activities on the Federal, State, County or Municipal level.

XXIII PAYMENT OF DEBTS

Members shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. Repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be the cause of discipline, provided that a good faith effort to settle all accounts is being undertaken. Members who are in a superior/subordinate relationship (other than immediate family members) shall not co-sign notes.

XXIII RESIDENCE

Members shall be able to respond to the Department within 60 minutes of notification.

**XXIV
TELEPHONE**

Members shall have a cell phone/telephone and shall immediately report any changes of telephone numbers or addresses in writing to the Office of the Chief.

**XXVI
DISSEMINATION OF INFORMATION**

Members must exercise care in determining which Department information is confidential and which is public information. Confidential information shall be disseminated only to those with a need to know in accordance with Department procedures. Members may remove or copy official records or reports only in accordance with Department procedures. Members shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

**XXVII
DEPARTMENT REPORTS**

Members shall submit reports in a timely manner in accordance with Department procedures. Reports shall be truthful and complete, and no member shall knowingly make any inaccurate, false or improper report.

**XXVIII
PROCESSING PROPERTY AND EVIDENCE**

Property or evidence shall be processed in accordance with Department procedures. Members shall not manufacture, conceal, falsify, destroy, remove, tamper with, withhold or convert to their own use, any property or evidence, except in accordance with Department procedures.

**XXVIII
DEPARTMENT RESOURCES**

Department resources shall not be used except for the purpose for which they are intended. Members shall use these resources in the most effective and efficient manner. Members are responsible to properly safeguard and maintain individual equipment issued to them by the Department.

Richard L. Lewis
Chief of Police

GENERAL ORDER 36.1.1

Body Worn Cameras

GENERAL ORDER CROSS-REFERENCE: ICV 36.1.2

SUMMARY

Body-worn cameras are reported to be an effective law enforcement tool that reduces officer/citizen confrontations and enhances the understanding of interactions between officers and the public. They are also beneficial in resolving citizen complaints as they typically show the officer acted in an appropriate and professional manner.

Body-worn cameras allow for additional documentation of arrests and critical incidents, plus enhancing the accuracy of officer reports and testimony. Cameras are also useful in documenting crime scenes and crash scenes or other events that include the collection, confiscation, and documentation of evidence.

The Department recognizes that a video camera can only capture images in its direct field of view and with a “2D” not “3D” depth of perception. Therefore they cannot capture the full story, nor do they show the entire scene, environmental conditions, surrounding circumstances, and safety concerns that officers are constantly assessing. The Department also recognizes that some body-worn cameras capture images in lower light conditions than the human eye can and these images will not be visible to the officer(s). The use of body-worn cameras does not reduce the requirements to provide thorough written documentation of an incident. Persons reviewing recordings derived from body-worn cameras must also be cautious before reaching conclusions about what the recordings show. Such recordings may not represent a complete record of the involved officer’s perspective or perception of the involved incident.

The body-worn cameras will be utilized to (1) collect evidence for prosecution of offenses, (2) record contacts with the public in order to secure additional unbiased evidence in connection with investigations, (3) under specified situations (addressed herein) allow for supervisory review to ensure Department policies and procedures are followed, and (4) capture events and actions that would be helpful in future trainings.

Body-worn camera systems are a developing technology, changes in the law will create mandatory changes in this policy. Modifications in body-worn camera policy will be negotiated between the City and the Springfield Police Association (SPA) in good faith.

DEFINITIONS

Body-worn cameras (BWC) - camera systems designed to be worn by police officers to capture digital evidence.

Metadata - includes any digital identifiers that are captured as part of the actual recording (e.g., date/time, GPS coordinates, incident category, etc.), plus data entered by the officer.

POLICY

This policy is intended to provide direction on when and how to use body-worn cameras and related video evidence. Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited without the written approval of the Chief of Police or authorized designee.

This policy does not apply to lawful surreptitious audio/video recording interception of communications for authorized investigative purposes or to in-car mobile audio/video recordings. See G.O.36.1.2 In Car Video.

The Department and officers will use body-worn cameras consistent with state and federal law and department policy.

OFFICER RESPONSIBILITIES

1. BWCs shall be worn by all officers and supervisors working a uniformed assignment in patrol operations. (Patrol operations include the Traffic Unit, K9 Unit and School Resource Officers (SROs).

1. Other uniformed personnel not assigned to the patrol division or SRO program may wear a BWC if approved by the Chief of Police or authorized designee. Any sworn member, who does not routinely wear a BWC, will check with the on-duty supervisor for availability of a BWC. Incidents such as protests, dignitary protection or traffic control at special events may fall under this scenario.

2. Prior to using a body-worn camera, officers shall receive department-approved training on the proper operation, care and the department's policy with respect to the use of the body-worn camera. Training shall be provided as necessary to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

3. Officers shall wear body-worn cameras on the torso and in a position designed to produce an effective recording. Motorcycle officers may wear the department approved alternative style body-worn camera equipment above the torso or as otherwise directed.
4. Officers shall only use BWC equipment issued by the department. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the BWC. Officers may not use privately owned body worn cameras while on duty.
5. In the event that a body-worn camera is lost, upon discovery, the officer shall immediately notify his/her supervisor.
6. Officers shall only use body-worn cameras in conjunction with official department duties.
7. Equipment inspection and function check will be addressed in training and outlined in the BWC procedure manual.

SUPERVISOR & POLICE DIGITAL EVIDENCE TECHNICIAN RESPONSIBILITIES

Supervisors shall ensure officers are equipped with BWC devices prior to taking calls for service.

In the event an officer fails to properly tag and categorize a video, the Digital Evidence Technician shall compare the video meta-data to CAD data to determine the appropriate categorization with regards to State mandated retention requirements.

In the event of a technical issue or malfunctioning of the BWC, officers shall contact the Digital Evidence Technician so the Digital Evidence Technician can, inspect the equipment, view the relevant footage, and troubleshoot or resolve the problem.

The responsibilities of the Digital Evidence Technician will pertain to any designee acting in the absence of the Digital Evidence Technician. Any designee must be appointed by Command Staff or the Records Manager.

I ACTIVATION

Oregon State Law requires that body-worn cameras be set to record when the officer wearing the camera develops reasonable suspicion or probable cause to believe that a crime or violation has occurred, is occurring or will occur, and the officer begins to make contact with person(s) suspected of committing the offense. The officers will not cease recording until the termination of the officer's participation in the contact.

Officers should activate the recorder any time they believe it would be appropriate or valuable to record an incident.

The body-worn camera shall be activated in any of the following situations.

1. All enforcement and investigative contacts including stops and field interview (FI) situations.
2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops.
3. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
4. Body-worn cameras are not required to be activated when taking routine reports from victims or witnesses when the suspect is not on scene. Officers have the discretion to turn the camera on if they believe the contact with the victim/witness is appropriate.
5. Other circumstances the officer believes video recording may add value or clarity to an incident.
6. Transport of a person not in custody.

At NO time is an officer expected to jeopardize their safety or impair a criminal investigation in order to activate the body-worn camera. However, the camera should be activated in situations described above as soon as practicable.

If an officer fails or is unable to activate a body worn camera upon initial contact, the officer shall verbally record the reason on the BWC recording once the BWC recording is activated and the officer shall document the reason(s) in their report.

II NOTIFICATION OF RECORDINGS

At the beginning of an interaction (or as soon as safe and practicable), officers shall notify all parties to the conversation that a recording is being made unless the situation is exempt from notification pursuant to a court order under ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses) or the limited exception in ORS 165.540 (felonies that endanger human life). This notification should be included in the recording when possible. Exceptions can be made when the announcement may impair a criminal investigation or jeopardize officer safety or the safety of any other person.

III PRIVACY CONSIDERATIONS

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 this same criteria. Recording should resume when the privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Officers have no obligation to stop recording in response to a citizen request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. Examples and situations include, but are not limited to:

1. A witness or victim who wishes to remain anonymous or refuses to provide a statement if recorded and the encounter is non-confrontational
2. Recordings that would jeopardize safety planning for victims
3. Recordings that would disclose private security measures of residences or businesses
4. Recordings that would interfere with the ability to conduct an investigation due to sensitive circumstances (e.g., nudity, presence of child pornography)

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording. The request to turn the body-worn camera off should be recorded, as well as the officer's response, and included in the report narrative. If no report is generated, the officer shall ensure documentation is made in the CAD incident and such documentation shall include the reason for deactivation.

IV JUVENILES

It is recognized that recordings of juvenile offenders will occur by the use of body-worn cameras when officers are responding to calls for service or during the course of an investigation. Recordings of juveniles captured with the body-worn cameras will be protected the same as still photographs of juveniles.

V
DEACTIVATION or FAIL TO RECORD

Officers shall continue recording until the incident is complete.

Deactivation

If the recording is discontinued before the incident is complete, the officer will verbally record their reason for deactivating the device. Additionally, the officer will document the reason for the deactivation in their report narrative, if a report is written for the incident. If no report is generated, the officer shall ensure documentation is made in the CAD incident and such documentation shall include the reason for deactivation.

For purposes of this policy, an incident is considered complete when an objectively reasonable officer would consider the incident to have reached a logical ending, up to and including the transfer of an arrestee into the custody of another agency. For example, the point at which a jail deputy takes custody of the arrestee.

The camera must remain on continuously until:

1. The officer's direct participation in the incident is complete or there is a significant period of inactivity or other breaks from direct participation in the incident.
2. All persons stopped have been released.
3. An arrestee has been transported to a detention facility. The BWC shall remain activated at all times while the officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room, or until custody of the arrestee has been transferred to SMJ or LCJ personnel in the booking area of the jail and the officer no longer has contact with the arrestee. Officers shall comply with LCJ body-cam policies when booking an arrestee into the Lane County Jail.
4. A supervisor has authorized (on camera) that recording may cease.

Fail to Record

If an officer fails to activate a body-worn camera or fails to record the entire contact the officer shall document the reason(s) in their report. If no report is generated, the officer shall ensure documentation is made in the CAD incident and such documentation shall include the reason for deactivation.

VI RECORDING RESTRICTIONS

The purpose of a body-worn camera is to obtain evidence and information relevant to the incident.

Body-worn cameras should not be used to record:

1. Interviews with child abuse victims.
2. Interviews with sexual assault victims.
3. In any location where individuals have a reasonable expectation of privacy (such as a restroom, locker rooms, break room, fitness room, or in other similar areas in the Justice Center), or during roll call training, briefings and/or incident debriefings, in-service training, and/or departmental meetings.
4. Unless responding to a call in which the suspect is thought to be present, Officers should not normally record patients during medical, health care provider, or psychological evaluation by a clinician or similar health care facility or during treatment, unless necessitated by investigatory or safety concerns. The body-worn camera should remain activated inside a hospital/medical treatment setting if the officer is conducting his/her investigation and the individual being recorded is being interviewed or otherwise presenting evidence relevant to the investigation (including behavior of the suspect that is germane to the state of mind and criminal culpability of the suspect).

Employees shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers should be careful to avoid recording persons other than the suspect or witnesses that are deemed relevant to the matter being investigated.

5. Communications made in a psychiatric facility, unless otherwise permissible under this policy.
6. Encounters with undercover officers or confidential informants.
7. When an officer is engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative).
8. Clergy, health care provider, etc.
9. Casual communications with other police personnel.

10. When an officer is on break or is otherwise engaged in personal activities.
11. Places of worship and/or religious ceremonies.
12. Community policing activities.
13. Routine, or strategic tactical planning communications with other police personnel, or other communications which do not fall within the recording guidelines outlined within this policy.
14. Officers shall be careful to avoid recording persons other than the suspect or witnesses that are deemed relevant to the matter being investigated by the officer.

VII 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.

VIII DOWNLOADING AND TAGGING VIDEO

Officers shall be responsible for downloading recorded data from their body-worn camera at the end of their shift unless a supervisor approves the delay of downloading until the next work shift. In situations involving officer involved shootings, or other incidents involving the officer that result in a person's serious bodily harm or death, the supervisor will immediately take physical custody of the camera and be responsible for downloading the data.

Each file shall be categorized, tagged, and contain information related to the date and time of incident, and case number, citation number or CAD incident number if video is tagged as something other than 'non-event'.

Members should flag any incident in which all or some of the recorded data should not be released due to its sensitive nature (e.g., sensitive intelligence data, revealing identity of confidential informant, a victim advocate is recorded, sensitive victim cases) or of any recorded incident which might be valuable for training purposes.

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.

IX REPORTING REQUIREMENTS

Officers are still required to provide thorough written documentation of an incident and should document the existence of a recording in any report or other official record of the contact (i.e. CAD incident if no report is written), including any instance where the recorder malfunctioned or the member deactivated the recording.

Refer to section V. Deactivation or Failure to Report for additional reporting requirements.

X REVIEW AND USE OF RECORDINGS

Officers are allowed to review the recordings from their body-worn cameras at any time. This is to help ensure the accuracy and consistency of officers' reports. Officers are encouraged to review recordings prior to preparing reports. Involved officers are permitted to view video captured by fellow officers in order to assist in preparation of police reports related to specific incidents. Upon approval by a supervisor, or system administrator, any officer of the Department who is participating in an official investigation whether administrative or criminal may view recorded files.

Prior to testifying in a court case where recorded data will be offered as evidence, officers are encouraged to review the recording.

Body-worn cameras may only be used consistent with department training and equipment specifications.

Employees are prohibited from using body-worn cameras and the recordings for personal use. Employees are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Employees shall not duplicate or distribute recordings, except for an authorized legitimate department business purposes. All such recordings shall be retained by the Department.

Officers shall not edit, alter, erase, duplicate, copy, share (other than individuals with a right to know), or otherwise distribute in any manner body-worn camera recordings, images, and information. Requests to duplicate, copy, or share information for any of these will be made through the Police Digital Evidence Technician, Chief of Police, or the authorized designee.

1. Officers will not take "screen shots" or make any reproduction of any video or audio content unless approved by the Chief of Police or authorized designee.

2. Viewing of video shall be limited only to individuals on a right to know basis and only for the purpose of processing a case or when related to a department matter.

Recordings shall not be used by an employee for the purpose of embarrassment, intimidation or ridicule.

XI

ADMINISTRATIVE INVESTIGATIONS

Supervisors and Professional Standards Personnel are authorized to review relevant recordings under the following circumstances:

1. After receiving a complaint from the public or another officer regarding general misconduct or policy violation(s). The supervisor or Professional Standards Personnel shall limit such review to the incident specified within the complaint. Any additional review by the supervisor or Professional Standards Personnel shall be limited in scope to the context of the original complaint and shall occur only to the extent warranted under the original complaint. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
2. After receiving a report from the public or another officer regarding meritorious conduct or actions by an officer.
3. If there is an allegation(s) of criminal misconduct by an officer(s), or if upon review of recordings pursuant to Section XIII, 1-7 of this policy, a criminal event is observed, the supervisor or Professional Standards Personnel may conduct an investigation and review additional recordings.
4. If an officer(s) is involved in what would be considered a "Critical Incident" or of a serious nature to the public interest, the supervisor or Professional Standards Personnel may review the recordings to evaluate the situation.
5. If an officer(s) is involved in or witnesses a use of force incident which includes the use of focused blows, lateral vascular neck restraints, hobbles, tasers, chemical agents, impact weapons, firearms or any force resulting in injury or complaint of injury.
6. When an officer has been previously disciplined and/or placed on a "work plan" and employee notice of review is a component of the specified work plan. It is understood the supervisor or Professional Standards Personnel will limit the scope of their review to conduct of topics relevant to the discipline and/or "work plan".
7. Any probationary employee may have their recordings reviewed by a supervisor or the employee's Field Training Officer to assist in the evaluation of the said employee.

8. If the supervisor or Professional Standards Personnel believes a specific incident recording(s) may be a valuable training tool for the rest of the department.
9. Supervisors and Professional Standards Personnel shall not review recordings in a random or other manner not permitted within this policy.

XII TRAINING

Recordings from body-worn cameras may be shown for training purposes with the authorization from a Command Staff member.

Officers shall be provided with written notice if recordings intended for use for training purposes were either made by them or captured their image or voice. If an involved employee/ individual objects to the release of the video, a determination of whether or not to release the video will be made by the Chief of Police or authorized designee.

XIII OTHER REQUESTS

Recorded files may also be viewed by:

1. Court personnel, prosecutors and city attorneys are authorized to access and manage recordings pursuant to their official duties.
2. Media personnel may review recordings with the permission of the Chief of Police or authorized designee.
3. Public records requests will conform to state public records statutes with consideration given to person's privacy and sense of dignity.

Unless prohibited by law, audio and video recordings from body-worn cameras shall be provided upon request to officers or their union representatives during any internal investigation in accordance with the collective bargaining agreement and/or as allowed by law.

Prior to providing a formal statement in an administrative investigation, the officer shall have the option to review any related body-worn camera recordings in the presence of counsel and/or labor representative.

In addition, such review will not be allowed if the Chief of Police determines that such review would interfere with an ongoing criminal investigation.

All recordings shall be reviewed by the Police Digital Evidence Technician and/or Custodian of Records prior to public release. 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.

The Police Digital Evidence Technician and/or Custodian of Records will maintain an electronic record of all BWC footage access.

Except as set forth in this policy, or as allowed by state or federal law, non-department personnel shall not be allowed to review the recordings without consent of the Chief of Police or the authorized designee.

XIV USE OF FORCE

Prior to providing a formal statement about the use of force or disciplinary investigation, the officer shall have the option to review any related body-worn camera recordings in the presence of counsel and/or labor representative.

XV CRITICAL INCIDENTS

Following an officer-involved shooting, use of deadly force, or other critical incident, and when safe and practical to do so:

1. Body-worn cameras will be collected by the on-scene sergeant or designee and will be immediately powered off.
2. Sergeants or Command Staff may review the BWC video to obtain identifying suspect information or other pertinent information necessary to provide a framework for the investigation such as Suspect(s) location & description; Injuries to officer or suspect; Potential witnesses; Location of evidence; Direction & estimated number of rounds fired; Overall scope of the scene.
3. Involved officers' cameras will be turned over to a supervisor for processing. The Police Digital Evidence Technician will work with the IDFIT (Inter-Agency Deadly Force Investigations Team) representative to provide the video footage.

4. Any body-worn camera videos that contain video of a critical incident or officer-involved shooting shall be immediately categorized as "restricted" by the System Administrator once the video is downloaded.
5. Officers involved in a shooting will have the opportunity to review any SPD body worn camera video that captures their actions, images, or words before giving a formal statement to the IDFIT. IDFIT and Springfield Police Association will coordinate an appropriate time for involved officers to view the video.

Officers participating in a SWAT operation shall activate their BWC while conducting the following, but not limited to, activities:

1. Actively covering a target or person.
2. Making an approach to a target or person.
3. Clearing property, to include open spaces, buildings, outbuildings, or other objects needing to be manually cleared.
4. The BWC shall record continuously during these activities, subject to the exceptions outlined in sub-section below.

Exceptions to the continuous recording requirements include deactivation of the BWC during SWAT operations such as:

1. Conversing with a lead worker or supervisor or other officer regarding tactics, plans, or trade secrets.
2. Due to the nature of SWAT operations and the limited battery life of the BWC, SWAT supervisors may approve deactivation or delayed activation of the BWC in order to maximize the video capture and battery life of the unit.

XVI HANDLING OF DIGITAL MEDIA EVIDENCE

Body-worn camera equipment and all data, images, video and metadata captured and recorded are property of the Department and cannot be used by any vendor for any purpose inconsistent with the above mentioned directives. Recordings will be stored in a manner recommended by the approved vendor and agreed upon by the Springfield IT Department in accordance with all applicable laws and policies. The Chief of Police will appoint a System Administrator who will manage the storage, retention and distribution of all recordings.

Body-worn camera equipment and all data, images, video and metadata captured and recorded are the property of the Department. The personal use of all information recorded from body-worn cameras is prohibited unless authorized by the Chief of Police.

All access and activity on the data storage system is logged and subject to audit at any time. Personnel authorized under this policy may only view data files according to the provisions of this policy or as designated by the Systems Administrator(s), the Chief of Police or authorized designee.

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 Springfield 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 Springfield Police Department.

Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

XVII RETENTION REQUIREMENTS

All files from body-worn cameras shall be securely stored in accordance with state records retention laws and will be purged after no longer useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim or pending litigation, or disciplinary investigation.

All data, images, video and metadata captured by the Department cameras are subject to State statutes and City policies regarding use and records retention. Recordings from body-worn cameras shall be retained for at least 180 days, but no more than 30 months for a recording not related to a court proceeding or ongoing investigation. Recordings that are evidence for an ongoing criminal investigation or court proceeding shall be kept in accordance with current records retention laws.

The retention period begins from the date the body-worn camera recording was labeled or categorized. System Administrators, the Police Digital Evidence Technician, or the recording officer, may label or categorize recordings for retention. Officers will periodically be directed by the System Administrator(s) or designee to label or categorize any video which had not previously been labeled or categorized.

A body-worn camera video evidence retention schedule will be maintained in accordance with Oregon Revised Statutes.

XVIII
RECORDS RELEASE/PUBLIC INFORMATION REQUESTS

Any department member who receives a request for records shall route the request to the Digital Evidence Technician or the authorized designee. Such recordings may only be disclosed under the conditions provided under Oregon Revised Statute 192.345 that includes the following guidelines related to BWC recorded data requests:

1. The request must be for an event for which there is public interest.
2. The request must be for an approximate date and time of an incident.
3. The request must be reasonably tailored to include only the material relevant to the incident.
4. All faces must be rendered unidentifiable (blurred) prior to release.

A reasonable attempt will be made by the releasing person or designee to notify any involved employee(s) prior to release of the information.

XIX
ANNUAL REVIEW

An evaluation of the Body-Worn Camera program and policy review will be conducted annually by the Investigation Services Division Lieutenant.

Richard L. Lewis
Chief of Police

Summary of Policy Sub-Committee

4/20/21 Meeting Attendance: Jessica Crawford, Terri Dillon, Brittney de Alicante, Jen McCulley

Suggested Charge: Propose a process to allow for structured committee review of the policies of the Springfield Police Department. To afford the community an opportunity to understand and provide comment on police policies, as appropriate, outside of formal approval and adoption by the Chief of Police, Springfield City Manager, and/or the Springfield City Council.

Proposed Process:

Policy Review – Work Plan:

Sub-committee of fewer than a quorum of Springfield Police Advisory Committee (SPAC) members will convene annually to pull 5 – 12 police policies in collaboration with SPD staff and leadership to propose to SPAC as annual policy review work plan. Upon full SPAC approval, policies will be calendared for SPAC committee work plan and shared on the City of Springfield’s SPAC webpage. The broader community will have access to the policy review calendar to share feedback with SPAC members prior to scheduled policy review.

Biennial Individual Review:

Biennially, the SPAC members agree to personal review of all department policies for the purpose of familiarity. This is similar to the commitment of SPD command staff to annually review policies.

Policy Review Process:

The Springfield Police Advisory Committee is a consultation forum for public discussion on matters related to the Springfield Police Department, including providing public insight and comment on police policies adopted by the Chief of Police. It is proposed that policies under discussion by the SPAC happen in clearly identified first and second reviews on the SPAC agenda. SPAC policy review will follow necessary legislative, legal and collective bargaining reviews, when possible.

Whether the policy is part of the SPAC’s annual policy review work plan or a policy brought forward by SPD leadership, or other manner, the first introduction will be clearly identified as “First Review – Policy X.X.X Title.”

During first review, SPAC members will have the opportunity to ask clarifying questions, provide initial thoughts and comments, or requests for additional information from SPD leadership and staff.

Following the first review, should follow up discuss be needed, policies returning for final input or comment will be clearly identified as “Second Review – Policy X.X.X Title”.

If a second review of a department policy, SPAC members commit to being prepared to share final thoughts, community input they have received, or any final questions for SPD prior to putting the policy and any potential updates to rest.

The SPAC policy review plan will made available on the City of Springfield SPAC web page.

Recommended Policies List:

- Code of conduct - Business card policy 26.1.1
- Canine Unit 41.8.1
- Death/Injury Notifications 41.4.6 or Community Relations 54.3.1
- Communications with person's with disabilities 54.3.0
- Uniform policies 26.3.1
- Career In-service Trainings 23.2.1 or Training Programs 33.2.1
- Employee Wellness 22.3.2
- Body worn cameras 36.1.1
- Use of Force 1.5.1