



City Council Agenda

Mayor
Sean VanGordon

City Council
Damien Pitts, Ward 1
Steve Moe, Ward 2
Kori Rodley, Ward 3
Leonard Stoehr, Ward 4
Marilee Woodrow, Ward 5
Joe Pishioneri, Ward 6

City Manager:
Nancy Newton
City Recorder:
AJ Nytes 541.726.3700

City Hall
225 Fifth Street
Springfield, Oregon 97477
541.726.3700
Online at www.springfield-or.gov

Due to Statewide orders regarding social distancing and large gatherings, these meetings will only be available via phone and internet using Zoom. Members of the public wishing to attend these meetings electronically can call in or attend virtually by following the directions below. This information can also be found on the City’s website.

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours’ notice prior to the meeting. For meetings in the Council Meeting Room, a “Personal PA Receiver” for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.

To arrange for these services, call 541.726.3700.

Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.

All proceedings before the City Council are recorded.

October 25, 2021

5:30 p.m. Work Session
Virtual Attendance Only
COVID-19 Precautions:

Registration Required:
Attend from your computer, tablet or smartphone:

Zoom

Meeting ID: 868 6479 4731

https://us06web.zoom.us/webinar/register/WN_ZeA5CSECQbu7ftNZoHkMpg

To dial in using your phone in Listen Only Mode:

Dial 1 (971) 247-1195

Toll Free 1 (877) 853-5247

Oregon Relay/TTY: 711 or 800-735-123

(Council work sessions are reserved for discussion between Council, staff and consultants; therefore, Council will not receive public input during work sessions. Opportunities for public input are given during all regular Council meetings)

CALL TO ORDER

ROLL CALL – Mayor VanGordon___, Councilors Pitts ___, Moe___, Rodley___, Stoehr___, Woodrow ___, and Pishioneri___.

1. Police Update
[Chief Shearer]

(90 Minutes)

ADJOURNMENT

AGENDA ITEM SUMMARY

Meeting Date: 10/25/2021
Meeting Type: Work Session
Staff Contact/Dept.: Chief Shearer
Staff Phone No: 541-726-3729
Estimated Time: 90 minutes
Council Goals: Strengthen Public Safety by
Leveraging Partnerships and
Resources

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: POLICE UPDATE

ACTION REQUESTED: No action is required. Council is asked for their time and input on the four update topics.

ISSUE STATEMENT: The Springfield Police Department was invited to share updates on the following topics: A. Hiring and Staffing, B. Kenny Settlement OIR recommendations, C. IA Pro Software, and D. Body-Worn and In-Car cameras.

ATTACHMENTS:

- Attachment 1: Council Briefing Memo
- Attachment 2: 21st Century Policing Guide Executive Summary
- Attachment 3: Police Update Presentation Slides
- Attachment 4: OIR Report Recommendation Summary
- Attachment 5: SPD Policy 1.5.1 Use of Force Updates
- Attachment 6: SPD Public Safety Statement
- Attachment 7: SPD Policy 36.1.1 BWC ICV

**DISCUSSION/ FINANCIAL
IMPACT:** See Council Briefing Memorandum

MEMORANDUM

City of Springfield

Date: 10/18/2021
To: Nancy Newton **COUNCIL**
From: Chief Andrew Shearer **BRIEFING**
Subject: Police Update **MEMORANDUM**

ISSUE:

The Springfield Police Department was invited to share updates on the following topics: A. Hiring and Staffing, B. Kenny Settlement OIR Recommendations, C. IA Pro Software, and D. Body-Worn and In-Car Cameras.

COUNCIL GOALS/**MANDATE:**

Strengthen Public Safety by Leveraging Partnerships and Resources

BACKGROUND:

Over the last four months, I have worked side by side with the committed and hardworking sworn and professional staff of the Springfield Police Department. SPD is committed to continually evaluating how we police in order to improve and meet the community's expectations of their police department. As Chief, I am focused on utilizing the commonly referenced six pillars of 21st Century Policing as a model to strengthen the organization's foundation. The six pillars of 21st century policing are:

1. Building trust and legitimacy,
2. Policy and oversight,
3. Technology and social media,
4. Community policing and crime reduction,
5. Training and education,
6. Officer wellness and safety.

For further reference, the executive summary section of The President's Task Force on 21st Century Policing Implementation Guide is included as Attachment 2.

SPD was asked to share an update on four primary topics of interest to City Council and the community, to include: A. Hiring and Staffing, B. Kenny Settlement OIR Recommendations, C. IA Pro Software, and D. Body-Worn and In-Car Cameras. Some history, the current status, and other actions SPD is taking related to each topic are outlined in this memo and will be further discussed in the October 25, 2021 presentation (refer to presentation slides in Attachment 3).

Hiring and Staffing Update

Entering fiscal year 2021-22, SPD had 122 authorized positions of which 103 positions are filled as of the memo date. With the challenging local and national employee shortage and dynamic variables impacting the law enforcement profession today, we must work harder than ever before to recruit, hire and retain qualified candidates.

To improve hiring and staffing within the department, during the last three months SPD has ramped up efforts to fill vacancies, to include:

- Enhanced marketing of open position application processes.
 - Engaging in an aggressive program to recruit and hire lateral officers. Lateral officer
-

- hiring in particular has a benefit to have an expedited impact on vacancies.
- Leveraging the Public Information Coordinator to boost online presence in new and creative ways.
 - Incorporating new graphics within job postings.
 - Creating a streamlined and flexible hiring process for added applicant convenience and equity, including virtual chief's interviews and online psychological examinations.
 - Consistently incorporating individuals from outside SPD on interview panels.
 - Utilizing contracted background investigators for applicant backgrounds.
 - Filling the Community Outreach Coordinator position with a focus towards building relationships throughout Springfield to extend to a widened recruiting effort.

The scarcity of candidates and increasing competition among law enforcement agencies for quality applicants requires SPD to have an efficient hiring process, without compromise to standards. The hiring successes achieved with the recent efforts has been a team approach between SPD and the City's Human Resource Department.

Kenny Settlement Recommendations

On March 31, 2019, SPD members conducted a traffic stop of a vehicle driven by Stacy Kenny, where ultimately Stacy Kenney was shot and killed by an SPD sergeant. In September 2020, the City reached a settlement with the estate of Stacy Kenny, which included an assessment of SPD by Michael Gennaco of the OIR group. The assessment resulted in 33 recommendations for changes to policy, practice, and protocols. The majority of the recommendations were for SPD, while some recommendations were specific to the work of the Interagency Deadly Force Investigation Team (IDFIT), led by the District Attorney.

Many of the recommendations are considered to be best practices and the department has taken substantial steps toward implementation and completion. The full OIR report is available on the SPD webpage and the thirty-three individual recommendations are listed on Attachment 4. Within the October 25, 2021 Council presentation, discussion will include SPD's response to each recommendation. Attachments 5 & 6, SPD Use of Force policy 1.5.1 and an SPD Public Safety Statement respectively, are included as reference for the discussion. The City is drafting a written response to the 33 recommendations, with an estimated completion timeline of 30-60 days. When the written response is final, it will be shared on the SPD webpage and available to the public.

IA Pro Software

SPD is currently finalizing the implementation of IA Pro with Blue Team software that will provide a framework of standardized, efficient work flow processes and reporting on professional standards topics such as complaints, inquiries, commendations, use of force, and pursuits. IA Pro software is used by law enforcement agencies throughout the nation, and departments in Oregon, to include Eugene PD. IA Pro is an industry proven software that will allow the department to gather data to inform the department on areas to improve and provide analysis to share with Council and the public to improve transparency, increase accountability, and build trust. The prior system relied on forms without the level of detail and centralized tracking to support the necessary information to achieve professional excellence required today.

In May 2021, a contract was executed with the IA Pro vendor for \$9,900 to include implementation, training, and first year software maintenance expenses. System installation and configuration occurred June-August 2021. In-person vendor led training was provided to supervisors, field training officers and other users in late September 2021. The remaining users are receiving virtual training and follow up in person discussions in October 2021, with a go live goal of November 1, 2021.

IA Pro will assist the department in multiple ways. The standardized work flow will support supervisor review of incidents, as well as the related timelines and accountability of those involved with the incident or review. IA Pro will also facilitate production of accurate and actionable reports to support the management, accountability and transparency goals of the department.

Body-worn and In-car Camera

The implementation of body-worn cameras are a significant step forward towards establishing a policing culture of accountability and transparency. With support from the community, City Council, City leadership and SPD staff, the body-worn camera (BWC) program was successfully implemented the week of May 24th, 2021. SPD was able to simultaneously implement in-car video (ICV) systems throughout the patrol fleet to more fully realize the goal of transparency within police interactions. A BWC is available for every sworn officer in the department and 24 patrol vehicles are fully upfit with ICV systems. SPD's policy 36.1.1 Body Worn/In Car Video Cameras is available for reference as Attachment 7.

The BWC and ICV programs will improve accountability for SPD members and for those community members who are recorded during police interactions. Captured video has many potential benefits, including serving as evidence in criminal cases that could produce improved outcomes in terms of case clearance rates, provide evidence to review when allegations of misconduct are made against officers, and support improved training by learning from actual interactions.

In addition to the four topics outlined above, SPD has been actively engaging in deliberate changes to improve effectiveness, mitigate risk, and build community trust. From growing regional partner collaborations to critical incident responses, to evaluating the department organization structure for additional effective management and service delivery strategies, enacting purposeful and functional changes to patrol fleet appearance and the Justice Center front lobby to foster positive community interaction, and development of a comprehensive Peer Support Program, SPD is committed to engaging in positive change.

RECOMMENDED ACTION: No action is required. Council is asked for their time and input on the four update topics.

EXECUTIVE SUMMARY OF THE SIX PILLARS BY TOPIC

Pillar One: Building Trust & Legitimacy

- Changing the culture of policing—guardian versus warrior culture of policing
- Role of policing in past injustices
- Culture of transparency and accountability
- Procedural justice: internal legitimacy
- Positive nonenforcement activities
- Research crime-fighting strategies that undermine or build public trust
- Community surveys
- Workforce diversity
- Decouple federal immigration enforcement from local policing

Pillar Two: Policy & Oversight

- Community input and involvement
- Use of force
- Nonpunitive peer review of critical incidents
- Scientifically supported identification procedures
- Demographic data on all detentions
- Mass demonstration policies
- Local civilian oversight
- No quotas for tickets for revenue
- Consent and informed search and seizure
- Officer identification and reason for stops
- Prohibit profiling and discrimination, in particular as it relates to LGBT and gender nonconforming populations
- Encourage shared services between jurisdictions
- National Register of Decertified Officers

Pillar Three: Technology & Social Media

- New technology standards for compatibility and interoperability
- Address human rights and privacy concerns
- Technology designed considering local needs and people with special needs
- Body-worn cameras and other emerging technologies
- Public records laws—update to keep up with emerging technologies
- Transparency and accessibility for the community through technology
- Develop new less than lethal technology

Pillar Four: Community Policing & Crime Reduction

- Community engagement in managing public safety
- Infuse community policing throughout law enforcement organizations
- Use multidisciplinary teams
- Protect the dignity of all
- Neighborhood problem solving
- Reduce aggressive law enforcement that stigmatizes youth
- Address the school-to-prison pipeline
- Youth engagement

Pillar Five: Training & Education

- High quality training and training innovation hubs
- Engage community members in trainings
- Leadership training for all officers
- National postgraduate program of policing for senior executives
- Incorporate the following in basic recruit and in-service trainings:
 - Policing in a democratic society
 - Implicit bias and cultural responsiveness
 - Social interaction skills and tactical skills
 - Disease of addiction
 - Crisis intervention teams (mental health)
 - Reinforce policies on sexual misconduct and sexual harassment
 - How to work with LGBT and gender nonconforming populations

- Higher education for law enforcement officers
- Use of technology to improve access to and quality of training
- Improve field training officer programs

Pillar Six: Officer Wellness & Safety

- Multifaceted officer safety and wellness initiative
- Promote officer wellness and safety at every level
- Scientifically supported shift lengths
- Tactical first aid kit and training
- Anti-ballistic vests for every officer
- Collect information on injuries and near misses as well as officer deaths
- Require officers to wear seat belts and bulletproof vests
- Pass peer review error management legislation
- Smart car technology to reduce accidents



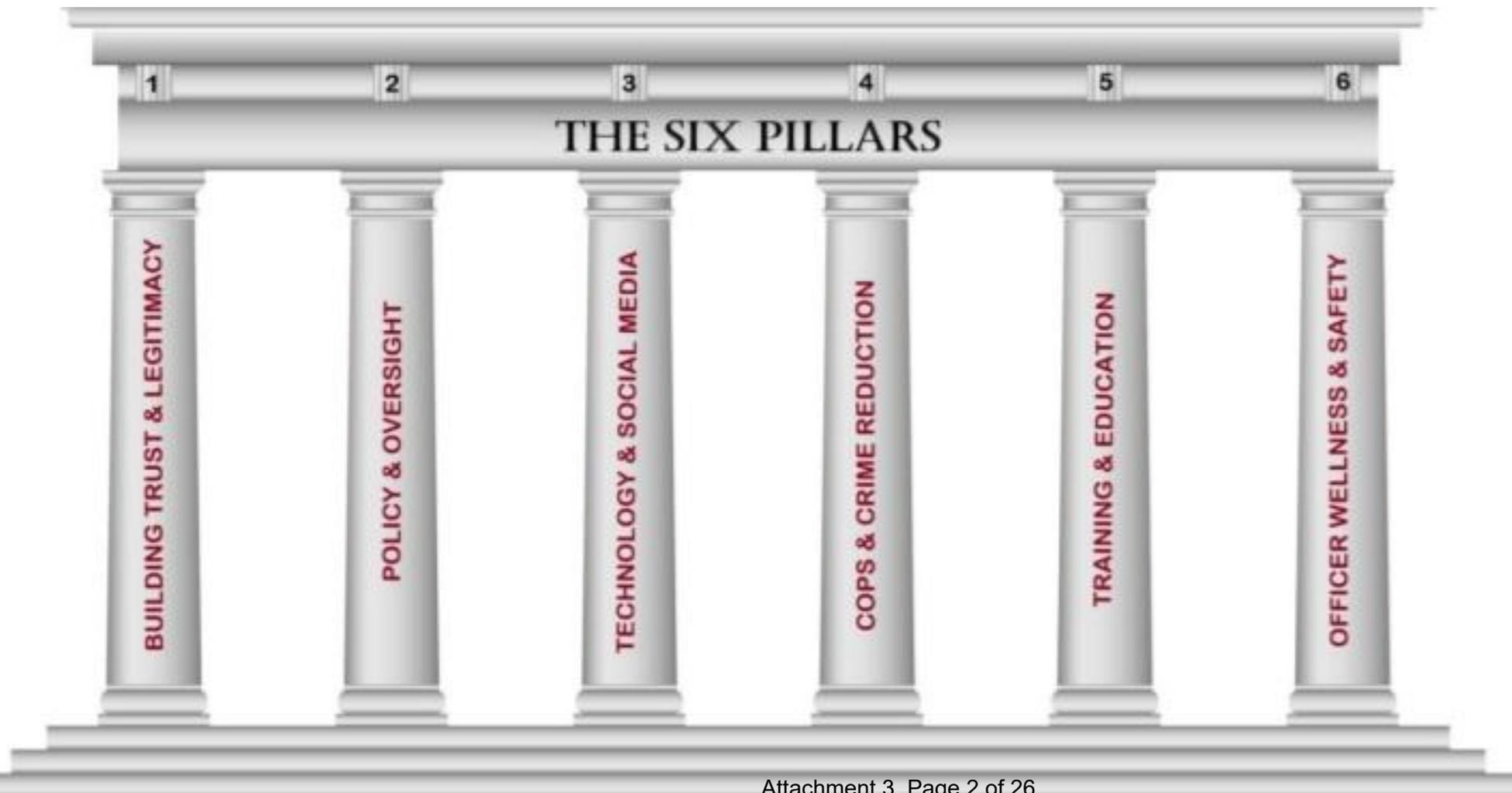
Springfield Police Department

CHIEF ANDREW SHEARER

COUNCIL UPDATE – OCTOBER 25, 2021



THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING



Topics

- Hiring & Staff Update
- Kenny Settlement Recommendations
- IA Pro
- Body Worn & In Car Cameras



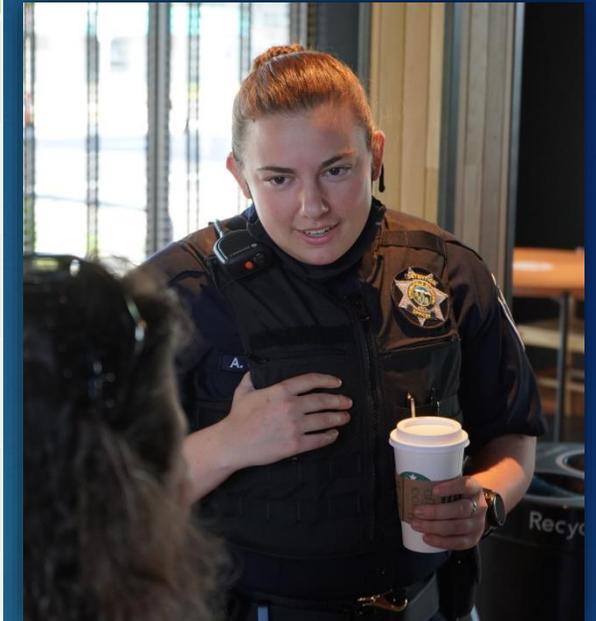
Attachment 3, Page 3 of 26



Current Staffing Authorized vs. Actual Personnel



Position	Authorized	Actual
Lieutenant	3	3
Sergeant	9	7
Police Officer	55	45
Records	9	6
Dispatch	12	11
Detention Officer	13	11
Community Service Officers	6	6
Other	15	14



Social Media Advertising



SPRINGFIELD POLICE

NOW HIRING

ENTRY LEVEL & LATERALS APPLY TODAY!

LATERAL BENEFITS INCLUDE:

- \$10,000 SIGNING BONUS*
- 100 HOURS VACATION*
- 100 HOURS OF SICK TIME*
- \$2,000 MOVING EXPENSES

*HALF NOW, HALF AFTER SUCCESSFUL COMPLETION OF PROBATION

A PROFESSION THAT MAKES YOU PROUD

Find more info or apply here: <http://bit.ly/SpfldORCareers>

The Springfield Police Department is an Equal Opportunity Employer. Women, people of color, and those of non-law enforcement backgrounds are strongly encouraged to apply.

Reach

- Facebook 538,116
- Twitter 59,775
- Instagram 25,700

* Ad running June 14, 2021 – July 11, 2021

spdoregon

Now HIRING

[View Insights](#) [Boost Post](#)

Liked by 295tactical and 62 others

spdoregon We're hiring for detention & police officer! Great bonuses for lateral police officer! Find more info or apply here: <http://bit.ly/SpfldORCareers>

[View all 4 comments](#)



Recruiting



- Added Community Members to Hiring Panels
- Increased Social Media Advertising
- Local Radio Ads





2021 Job Postings

Testing date	Job Title	# of Applicants
1/30/2021	Police Officer	73
4/24/2021	Police Officer	91
7/24/2021	Police Officer	127
9/11/2021	Police Officer	94



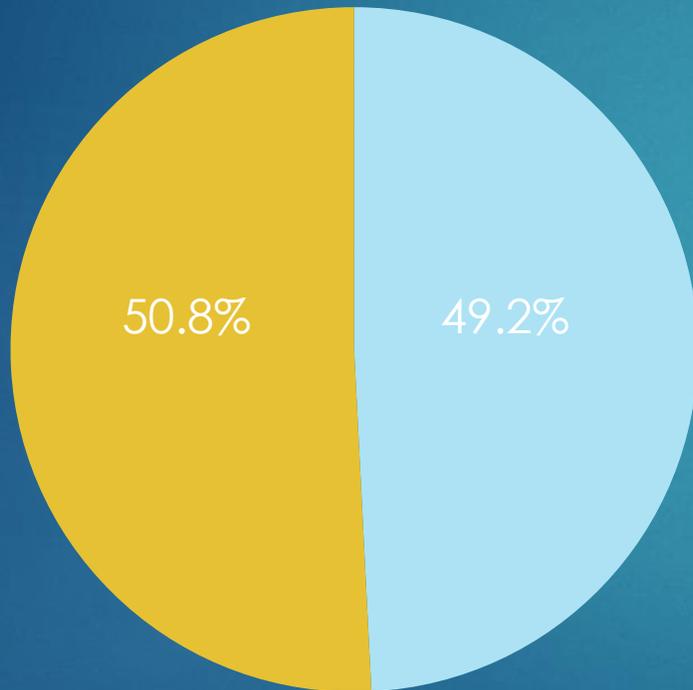
Attachment 3, Page 7 of 26



Demographics - Gender

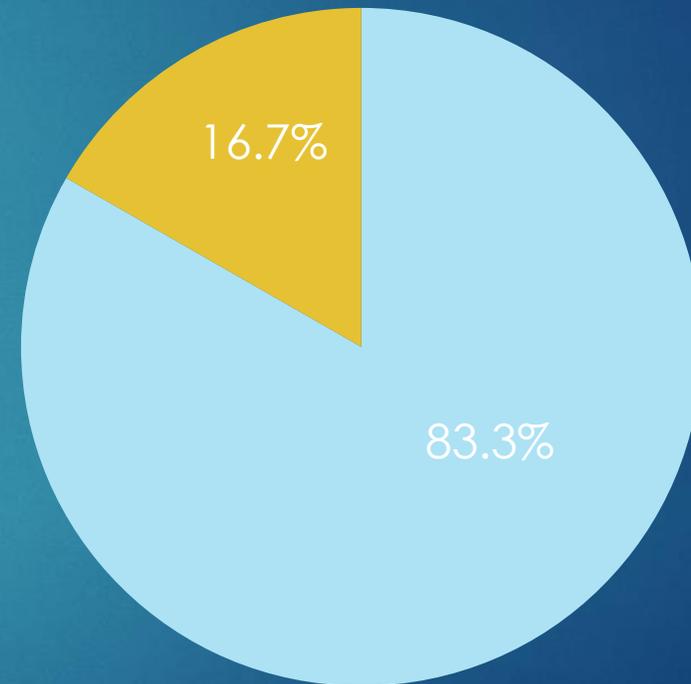


City of Springfield



2019 US Census Bureau

Springfield Police Department Sworn Employees & CSOs



City of Springfield
Human Resources Department

■ Male

■ Female

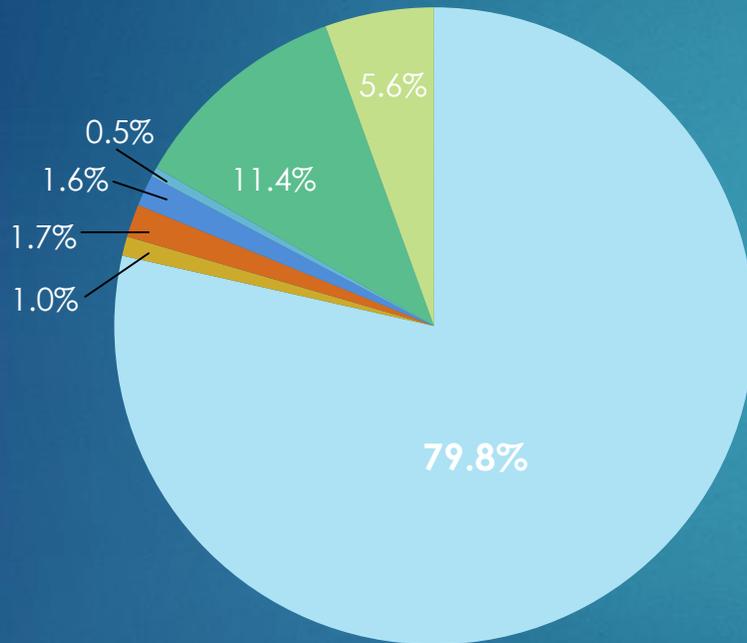
US Average:
87.2% male
12.8% female
(Statista.com)



Demographics - Race



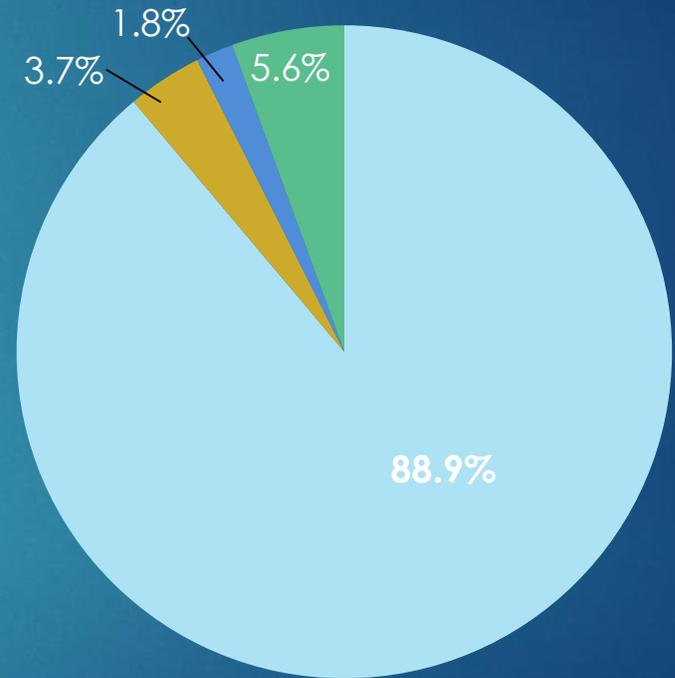
City of Springfield



2019 US Census Bureau

- White
- Black/African American
- American Indian
- Asian
- Hawaiian/Pacific Islander
- Hispanic
- Other

Springfield Police Department



City of Springfield
Human Resources Department

Employee disclosure of race is optional



Kenny Critical Incident Review & Analysis Recommendations



- Investigative Issues
- Deadly Force Review Issues
- Other Limitations in SPD's Administrative Review Process
- Further Gaps in SPD Analysis
- Additional Issues/Concerns



Personnel Conduct Report Form (before IA Pro)



SPRINGFIELD POLICE		PERSONNEL CONDUCT REPORT	
DEPARTMENT			
CLASSIFICATION OF REPORT	HOW RECEIVED	PCR NUMBER	CASE NUMBER
COMMENDATION <input type="checkbox"/>	TELEPHONE <input checked="" type="checkbox"/>		
INQUIRY <input type="checkbox"/>	IN PERSON <input type="checkbox"/>	DATE REPORTED	TIME REPORTED
ALLEGATION OF MISCONDUCT <input type="checkbox"/>	OTHER <input type="checkbox"/>		
CAPTION OF FACTS		RECEIVED BY	RANK
		Sgt. Massey	Sgt
		BUREAU	WATCH
		Patrol	Night
REPORTING PERSON	ADDRESS (RESIDENCE)		PHONE
SEX MALE <input type="checkbox"/>	DOB: []	BUSINESS ADDRESS:	Business Ph.
FEMALE <input type="checkbox"/>			
WITNESS	ADDRESS	PHONE	
[]	[]	[]	
[]	[]	[]	
[]	[]	[]	
[]	[]	[]	
INVOLVED DEPARTMENT PERSONNEL & ASSIGNMENT	MEMBER'S SIGNATURE UPON NOTIFICATION	DATE	
Officer			
[]			
[]			
[]			
MEMO REQUESTED	TAPE ATTACHED	PREVIOUS SPD CONTACTS	REPORTS ATTACHED
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
NOTICE			
PAGES 1 & 2 OF THE PERSONNEL CONDUCT REPORT SHALL BE COMPLETED BY DEPARTMENTAL PERSONNEL. THE COMPLETED FORM SHALL BE FORWARDED TO THE BUREAU COMMANDER. PCR CONTINUATION FORMS MAY BE GIVEN TO THE REPORTING PARTY FOR COMPLETION AND RETURNED AT THEIR CONVENIENCE.			
SIGNATURE OF OFFICER TAKING REPORT		SIGNATURE OF SUPERVISOR/DIVISION COMMANDER	
Sgt. Massey			
FOR ADDITIONAL NOTATIONS/DISPOSITION USE REVERSE SIDE			



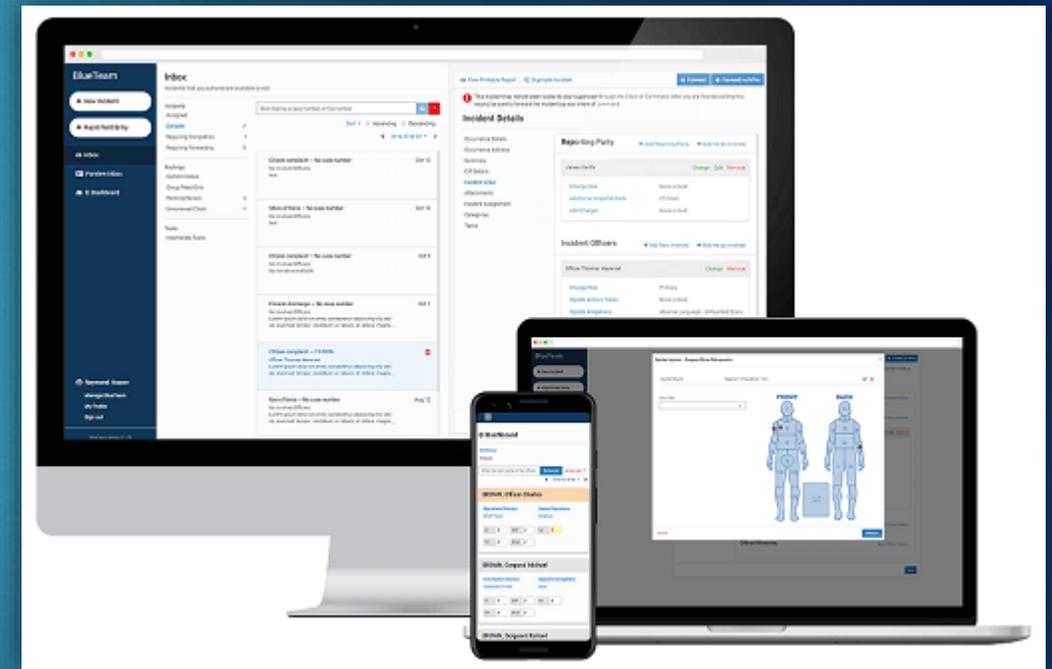
IA Pro

Collect, track, & present data.

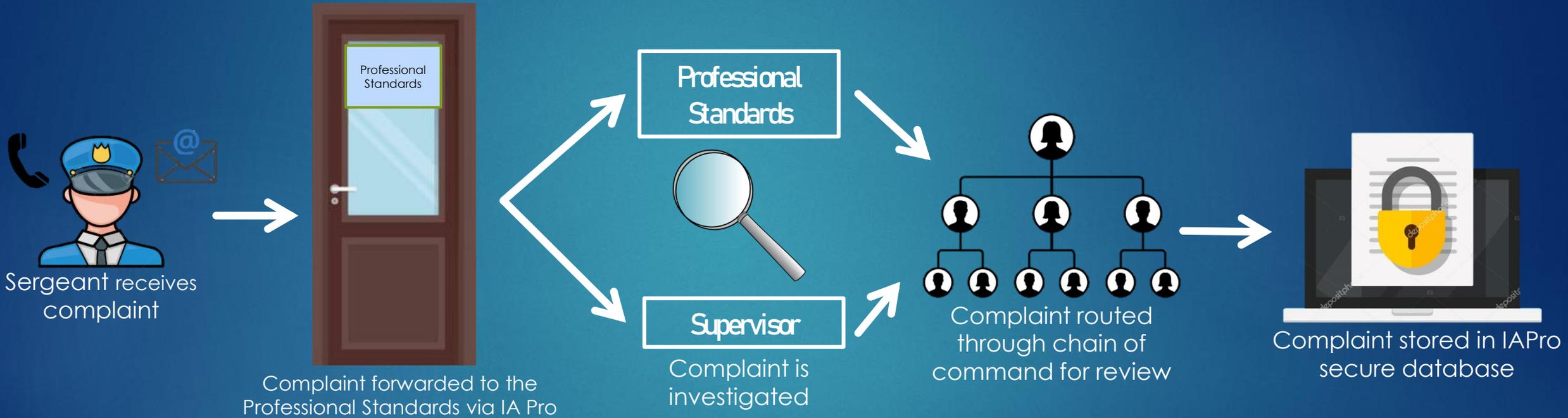
- External Complaints
- Internal Complaints
- Pursuit Data
- Use of Force Data
- Body Worn Camera fail to record data
- Supervisor notes on employees
- Jail Use of Force Data

IAPRO

THE LEADING PROFESSIONAL
STANDARDS SOFTWARE.
WORLDWIDE.



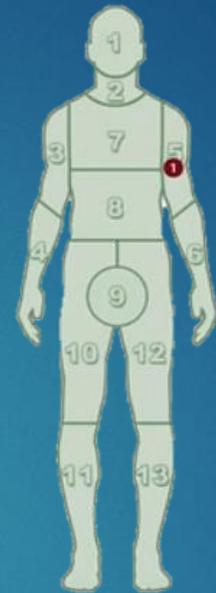
Complaint Process – with IA Pro



IA Pro



Incident Type	
<input checked="" type="checkbox"/>	Use of Force - Patrol
<input type="checkbox"/>	Vehicle Pursuit
<input type="checkbox"/>	Commendation



Select Tool		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Officer inputs details regarding incident



- ✓ Accountability
- ✓ Transparency



Report and supporting files submitted and stored in IAPro



IA Pro

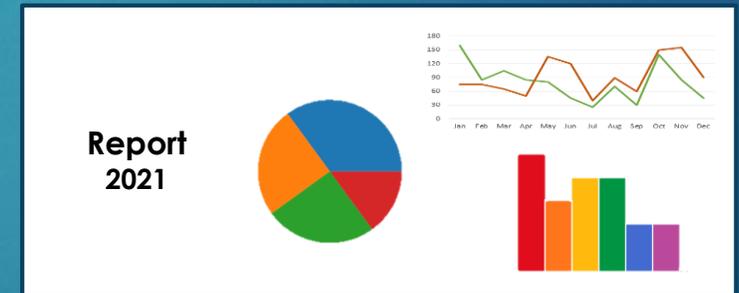
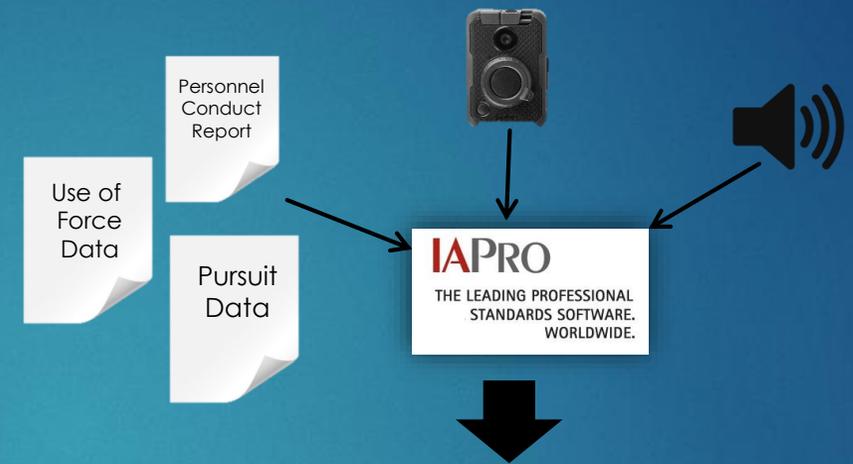


Pre-2021



- X No date and time tracking
- X No file attachments
- X No searchable database
- X No statistics

2021 – IA Pro



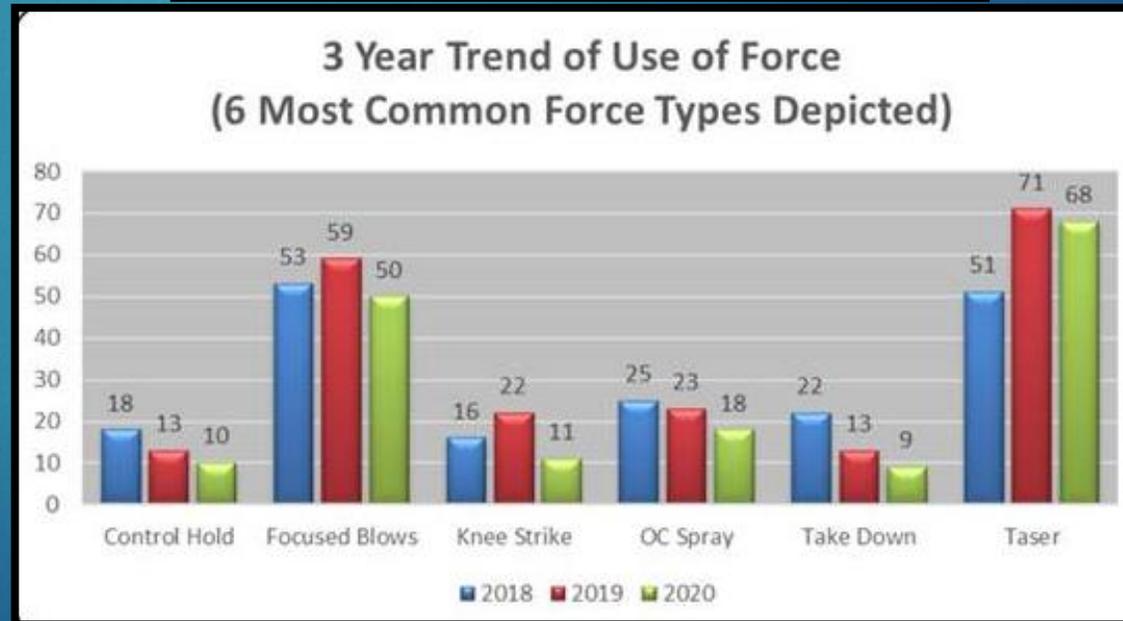
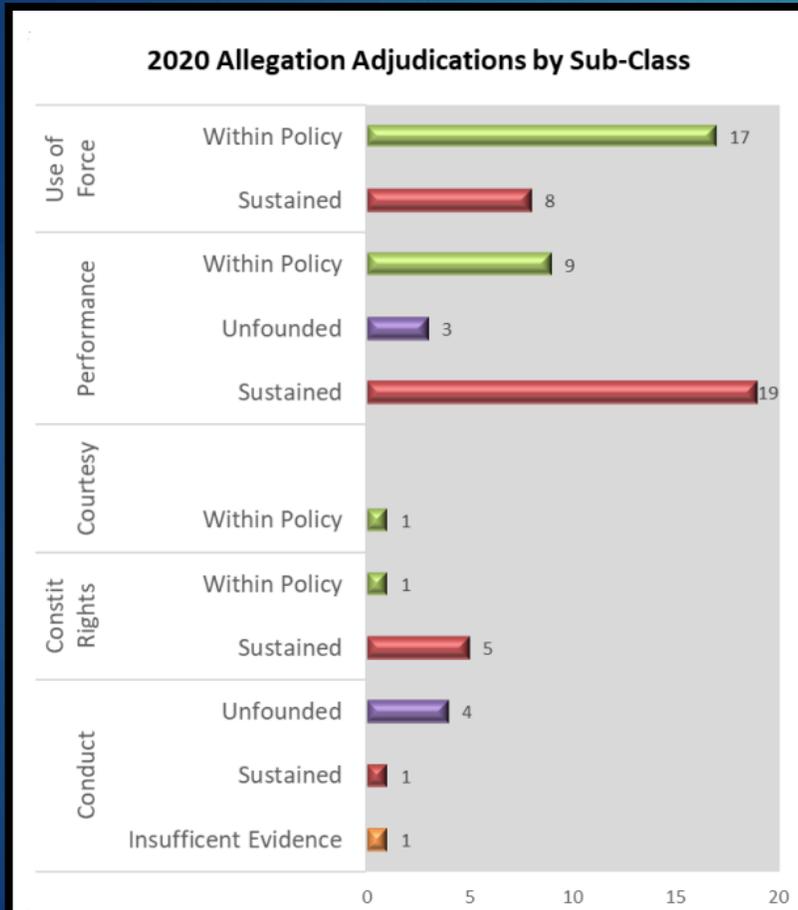
- ✓ Monitor, track, and produce a year-end report
- ✓ File attachments
- ✓ Searchable database
- ✓ Statistics and visual representations of data



Professional Standards
Sergeant may request data



Effectiveness of Use of Force by Type					
Type of Force	2020		Effective		Total
	Number	Percent	Number	Percent	
Control Hold	9	90%	1	10%	10
Deadly Force	4	100%	0	0%	4
Elbow Strike	7	100%	0	0%	7
Firearm	1	100%	0	0%	1
Focused Blows	34	68%	16	32%	50
Hair Hold	1	100%	0	0%	1
Impact Weapon	8	50%	8	50%	16
K9	7	88%	1	13%	8
Kick	2	100%	0	0%	2
Knee Strike	2	18%	9	82%	11
OC Spray	10	56%	8	44%	18
PepperBall	3	100%	0	0%	3
PIT	1	100%	0	0%	1
Take Down	9	100%	0	0%	9
Taser	37	54%	31	46%	68
Taser Display Only	0	0%	2	100%	2



Eugene Police Department 2020 Report



Body Camera Implementation



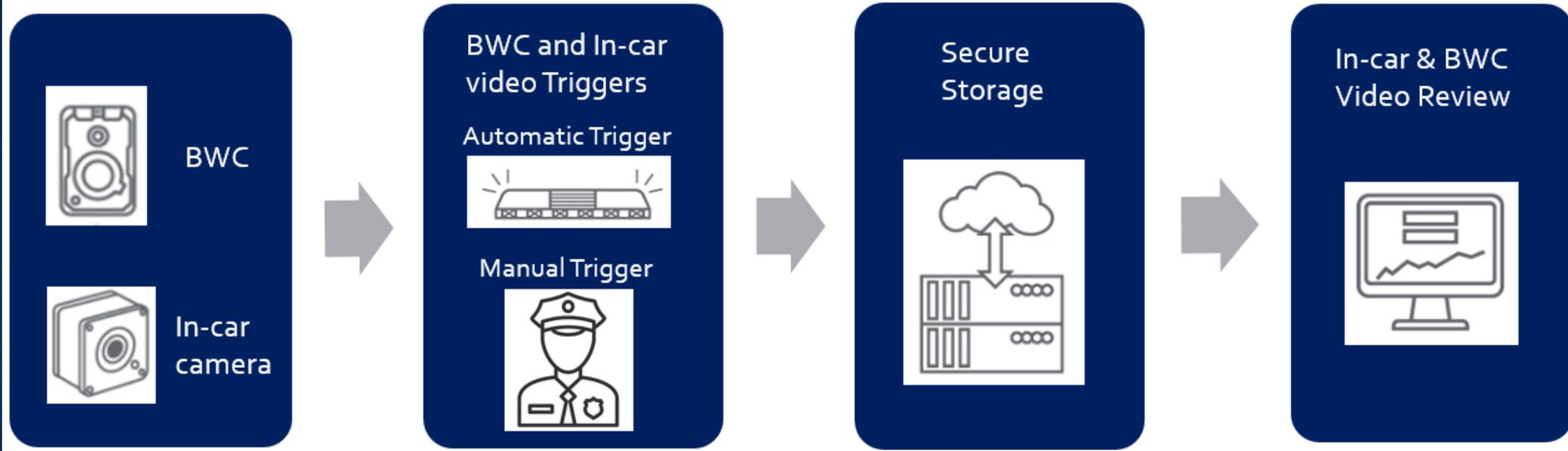
Since May 28, 2021:

- **17,000+** videos
- **3,000** hours per month (approx)
- **100** hours per day (approx)





In-car and Body Worn Camera (BWC) Flowchart



In-Car Video & Body Worn Cameras



Multiagency Collaboration

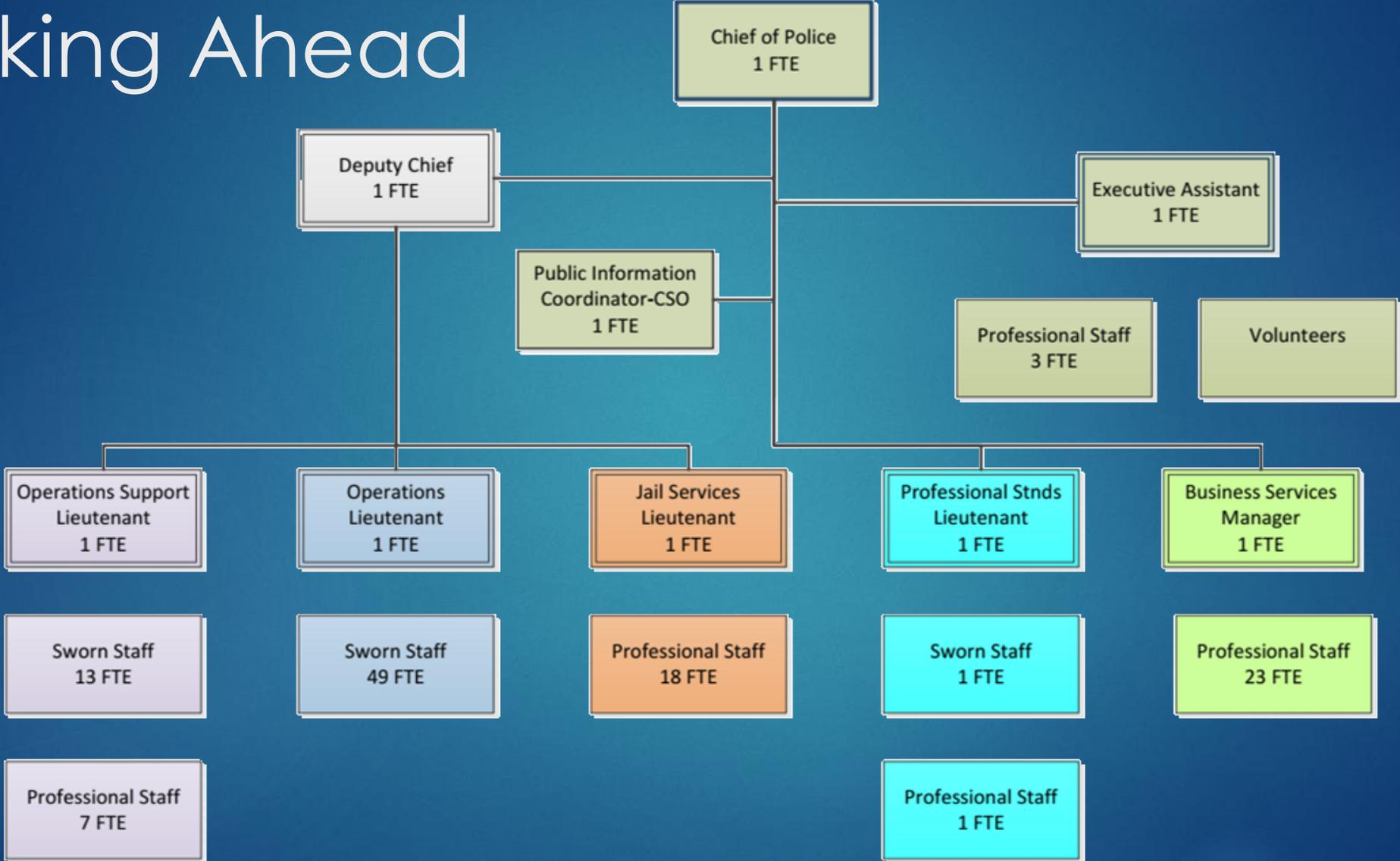


Looking Ahead





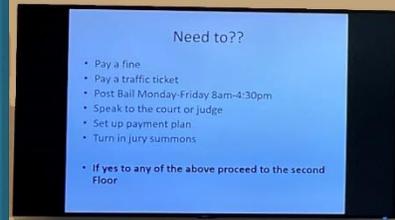
Looking Ahead



Looking Ahead



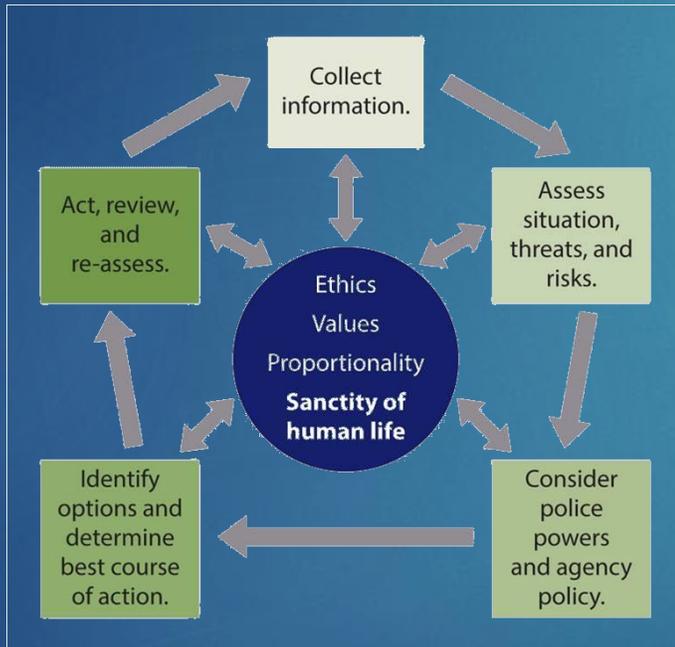
Artist rendering of new lobby sign



Potential future trainings



Critical Decision-Making Model



Procedural Justice



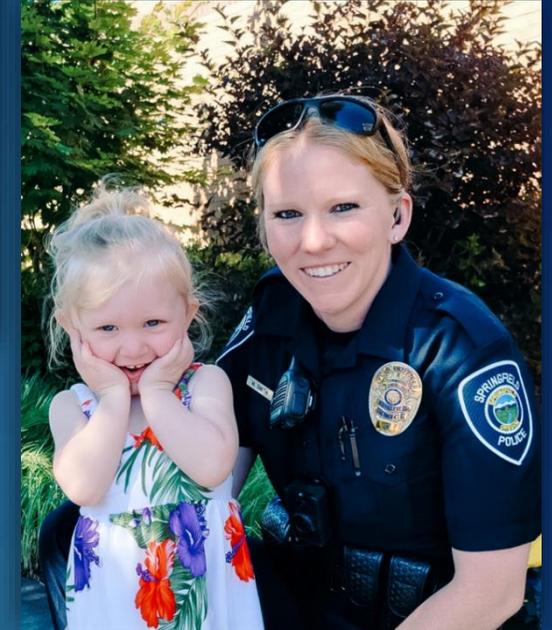
Active Bystander for Law Enforcement



ABLE



Peer Support Program



Who We are





Thank you!

Questions?

CHIEF ANDREW SHEARER

COUNCIL UPDATE – OCTOBER 25, 2021



Excerpts from **“Independent Critical Incident Review and Analysis of the Officer-Involved Shooting Death of Stacy W. Kenny”**

March 2021

Presented by: Michael Gennaco, OIR Group

<https://springfield-or.gov/wp-content/uploads/2021/08/Gennaco-Independent-Review-Report-Final-00019002xF5DC7.pdf>

The following identifies report section headers and recommendations identified within the report.

Investigative Issues

No Crime Scene Log Prepared

RECOMMENDATION ONE: SPD should develop protocols to ensure that a crime scene log is maintained for any officer-involved shooting that occurs in its jurisdiction.

RECOMMENDATION TWO: SPD should advocate that IDFIT improve its protocols to require each agency to maintain a crime scene log after an officer-involved shooting that occurs in its jurisdiction.

Inadequate Scope of IDFIT Investigation

RECOMMENDATION THREE: SPD should advocate that the IDFIT protocols be modified to ensure a broad scope of initial fact collection, including a full exploration of any tactical decision-making and related force options preceding the use of deadly force.

Failure to Segregate Involved Officer and Witness Officers

RECOMMENDATION FOUR: SPD should develop officer-involved shooting policies to ensure that involved and witness officers are segregated from each other and chaperoned until interviews of them can be accomplished.

Inordinate Delay in Interviewing the Officer Who Used Deadly Force

RECOMMENDATION FIVE: SPD should work with its County partners to modify the IDFIT protocols so that same shift interviews of officers involved in deadly force incidents occur.

RECOMMENDATION SIX: Until the IDFIT protocols are appropriately modified, SPD should conduct administrative interviews of involved officers prior to the end of shift.

Inconsistency in Collection of Witness Officer Accounts

RECOMMENDATION SEVEN: SPD should advocate that IDFIT adopt consistent witness officer interview protocols as follows: a. Statements should be obtained in an interview room equipped with video-taping ability. b. Statements should be video recorded. c. Statements should be transcribed and both recordings and transcriptions included in the investigative file.

No Follow Up Interview of Witness Officer

RECOMMENDATION EIGHT: SPD should advocate that IDFIT provide training and develop protocols for its members to ensure that all information volunteered about an officer-involved shooting is formally and systematically collected.

Interview of Involved Officer Not Tape Recorded

RECOMMENDATION NINE: SPD should advocate for developing IDFIT's protocols to require video interviews of involved officers to deadly force events.

Delayed Capture of Officer Response and Involvement

RECOMMENDATION TEN: SPD should advocate that IDFIT revise their officer involved investigative protocols to ensure contemporaneous preparation of reports by law enforcement personnel that respond to an officer-involved shooting or are otherwise involved in collateral responsibilities relating to the investigation.

RECOMMENDATION ELEVEN: SPD should create written protocols indicating its expectation that personnel who respond or carry out tasks relating to the officer involved shooting investigation and who are not going to be interviewed contemporaneously document their observations and any duties.

Missed Analysis of Taser Deployment

RECOMMENDATION TWELVE: Whenever a Taser is deployed in relation to an officer-involved shooting incident, investigative authorities should request a full analysis from the manufacturer.

Deadly Force Review Issues

SPD's Failure to Conduct an Administrative Investigation

RECOMMENDATION THIRTEEN: As a matter of course in a critical incident review, SPD should conduct administrative interviews of witness and involved officers to gain insight regarding 7

tactics, decision-making, and other performance issues including the role of de-escalation techniques in the response.

Other Limitations in SPD's Administrative Review Process

Use of Force Review Board Should Not Include Officer Advocate

RECOMMENDATION FOURTEEN: SPD should modify its review policy to eliminate the ability of the involved officer to select a department member for the Use of Force Review Board.

RECOMMENDATION FIFTEEN:

(A) SPD should set out in writing minimal expectations for documentation of its Use of Force Review Board deliberations, including requirements that each use of force event go beyond the mere question of the appropriateness of the force and considered in terms of:

- Tactical and other decision-making;
- Policy;
- Supervision;
- Training; and
- Equipment.

(B) SPD should require that the facts and analysis for any decision be set out in writing, and that any recommendations that are identified clearly describe the concerns that prompted them.

Review Board's Failure to Address Specific Questions Requested by Chief of Police

RECOMMENDATION SIXTEEN: In a deadly force event, the Use of Force Review Board should be tasked with reviewing all decision-making and uses of force from the inception of the incident and consider the performance of all involved officers, and any shortcomings or gaps in the analysis should be rectified through executive direction.

Lack of a Mechanism for Implementation and Follow Through

RECOMMENDATION SEVENTEEN: SPD should devise protocols to ensure that any accepted recommendations or identified training issues emerging from the Use of Force Review Board (and endorsed by the Chief) are implemented by:

- Assigning the responsibility of implementation or development of training domains to specific SPD personnel.
- Delegating to an SPD command staff member the responsibility of ensuring effective and timely implementation.

Providing Feedback to Involved Personnel

RECOMMENDATION EIGHTEEN: SPD should incorporate a debriefing phase into its Use of Force Review Board process that would provide involved officers with a forum for hearing the board's findings and analysis as well as an opportunity for the officer to share his or her own perspective.

Further Gaps in SPD Analysis

Use of Force Board's Failure to Consider Officer Akins' Failure to Access Kenny's Prior Mental Health Information

RECOMMENDATION NINETEEN: In relevant cases, SPD's Use of Force Review Board should expressly consider whether the officer met agency expectations for accessing available background information about subjects and should identify and remedy any systemic impediments to access of such information.

Failure to Fully Consider Issues With 911 Call Center

RECOMMENDATION TWENTY: SPD's Use of Force Review Board should consider any potential dispatch issues as part of any officer-involved shooting review and address any systemic issues identified.

Failure to Consider Force in Terms of De-Escalation

RECOMMENDATION TWENTY-ONE: SPD should develop policy requiring its officers to deploy de-escalation techniques prior to resorting to force when feasible.

RECOMMENDATION TWENTY-TWO: SPD should develop policy requiring its Use of Force Review Board to consider as part of its review whether involved officers followed its de-escalation training and policy.

No Analysis Regarding Use of "Focus" Blows

RECOMMENDATION TWENTY-THREE: In evaluating a deadly force incident, the board should consider and analyze the efficacy and appropriateness of all uses of force within the incident.

RECOMMENDATION TWENTY-FOUR: SPD should consider whether to eliminate the use of "focus blows" as a force option or at least restrict their use as follows: a. Prohibit focus blow strikes to the head b. Require focus blows to be delivered with palm strikes c. Require focus blows to be restricted to no more than three strikes.

No Analysis Regarding Sergeant Lewis' Decision-Making

RECOMMENDATION TWENTY-FIVE: When a supervisor is involved in a deadly force incident, SPD should evaluate whether the supervisor's performance is in line with Departmental expectations for a supervisor on scene.

RECOMMENDATION TWENTY-SIX: In evaluating the use of deadly force, SPD should consider whether its use would effectively eliminate any threat presented as well as its own potential to increase the threat to officers and the public.

Insufficient Explication of Responding Officers' Tactical Deficiencies

RECOMMENDATION TWENTY-SEVEN: SPD should devise policy and training instructing officers not to reach into or enter a civilian vehicle unless there is certainty that the operator cannot move the vehicle forward.

RECOMMENDATION TWENTY-EIGHT: SPD should devise policy and training addressing the inadvisability of trying to extract an individual through a vehicular window.

Failure to Identify Issues Relating to Taser Use

RECOMMENDATION TWENTY-NINE: Whenever the use of a Taser accompanies a deadly force event, SPD Use of Force Review Board should consider the propriety of its use and whether deployment met Departmental expectations.

RECOMMENDATION THIRTY: SPD should revise its Taser policy to limit deployment to three cycles, prohibit activations longer than five seconds, and prohibit simultaneous Taser activations by multiple officers.

Additional Issues/Concerns

No Formal Tracking of Force by Individual Officer

RECOMMENDATION THIRTY-ONE: SPD should create a written directive assigning the task of analyzing uses of force by officer, identifying any outlier officers in using force, and providing the analysis to the Chief and command staff.

District Attorney Press Conference with Springfield Chief of Police

RECOMMENDATION THIRTY-TWO: In the context of its own officer-involved shooting matters, SPD should refrain from sitting at the table of any press event announcing the results of a District Attorney review.

SPD Offered No Condolences to Kenny's Surviving Family

RECOMMENDATION THIRTY-THREE: In the immediate aftermath of a fatal officer-involved shooting, the Chief of Police should reach out to surviving family members and offer condolences for the loss.

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 a 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

AUTHORIZED WEAPONS AND FIREARMS

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

USE OF FORCE STANDARD

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.~~

A department member is not justified to use physical force that impedes the breathing or circulation of the blood of another person by applying pressure to the throat or neck of the other person, except in circumstances in which deadly physical force is justified.

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

OFFICER 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 IX through X, 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 for review. If the Professional Standards Sergeant 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.

IX

ON SCENE RESPONSIBILITIES IMMEDIATELY FOLLOWING THE USE OF DEADLY FORCE INCIDENT

The following definitions apply to the on-scene responsibilities for investigations involving the use of deadly force.

Involved Member - a Department member who applies deadly force or directs another to use deadly physical force, or a member who has used physical force against, or a member who assumes control, care or custody of, a subject who dies in police custody.

Public Safety Statement - a required response by a member to questions asked by an on-scene supervisor to elicit information necessary to protect life, preserve evidence, and/or ensure public safety.

Witness Member - a Department member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another member, and other than observing the incident, did not use deadly physical force. Additionally, a member who observes or has firsthand knowledge of the

events surrounding a member's direction to another to use deadly force.

The involved member(s) shall notify an on-duty supervisor as soon as practicable that they are an involved member, as defined in this Order.

If directed by the on-scene supervisor, the involved member(s) shall provide a Public Safety Statement. The on-scene supervisor shall then read from the Springfield Police Department Public Safety Statement (G.O. 1.5.1 Attachment A), asking the listed questions exactly as written, and take necessary action based on the answers. The Supervisor will disseminate public safety information immediately via radio or as otherwise appropriate. After providing any required Public Safety Statement to the on-scene supervisor, involved member(s) may consult with their union and/or legal representative. The involved member(s) may elect to provide a voluntary statement and on-scene walk-through to the investigating IDFIT Detective. An involved member(s) has the right to decline a request by IDFIT Detectives to provide a voluntary statement and on-scene walk-through.

Witness Member(s) shall make it known to the on-scene supervisor that they are a witness to the incident. If directed by the on-scene supervisor, witness member(s) shall provide an on-scene Public Safety Statement. The on-scene supervisor shall then read from the Springfield Police Department Public Safety Statement (G.O. 1.5.1 Attachment A), asking the listed questions exactly as written, and take necessary action based on the answers. The Supervisor will disseminate public safety information immediately via radio or as otherwise appropriate. After providing any required Public Safety Statement to the on-scene supervisor, witness member(s) may consult on scene with their union and/or legal representative.

On-Scene Supervisor: The on-scene supervisor shall take immediate action to:

1. Stabilize the situation;
2. Locate and separate all witnesses and involved members. If the number of individuals to be physically separated is so great as to be impractical, a supervisor or detective shall be posted to ensure that no communication regarding the incident takes place;
3. Obtain from witness members and other sources the public safety information. If the on-scene supervisor is unable to obtain the necessary public safety information from witness members, initial observations, and/or other sources, the arriving supervisor shall require the involved member(s) to provide a Public Safety Statement, in accordance with Attachment A of this policy;
4. Document the involved and/or witness member's response(s) to the Public Safety Statement;
5. If ambulance transport is required, ensure that someone other than the involved or witness member(s) is assigned to accompany the injured member or community member to the hospital in the ambulance;
6. Ensure that a single entry point into and out of the scene is established and advise dispatch of its location;
7. Ensure that a Crime Scene Log is maintained at the entry point;
8. Ensure notification of the appropriate command officers, IDFIT, the Chief of Police,

Risk Management, union representatives, and others as may be appropriate.

The on-scene supervisor is responsible for the immediate safety of the public and preservation of the scene. Supervisors shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor, detective supervisor or other designated person.

The on-scene supervisor shall initiate a written Crime Scene Log as soon as practical and consider the following information when accomplishing the crime scene log:

1. The scene(s) must be secured immediately with a perimeter of sufficient distance to safeguard evidence. In some circumstances, an inner and an outer perimeter may be appropriate.
2. Access to the scene(s) shall be limited to only those officials who must enter for criminal investigative purpose.
3. The Crime Scene Log (Crime Scene Log) identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
4. When not needed for medical and fire suppression efforts, fire and ambulance personnel should be excluded from the crime scene.
5. Unless exigent circumstances exist, no items shall be moved inside the scene(s), or removed from a scene, without approval of the scene supervisor, unless absolutely necessary for public or officer safety or the preservation of evidence. If removal without approval is necessary, the removal must be logged. The log shall state the identity of the person removing the described object, the reason for removal, and the time of removal. The item should be photographed in its original location, and if possible, diagramed prior to removal.

Other Responding Officers: Any Officer that responds to, but was not directly involved in or witness to, an incident involving the use of Deadly Physical Force shall, as soon a reasonably prudent and prior to the end of his/her shift, prepare a police report documenting his/her actions, observations, and any other relevant conduct.

Scene Responsibility: Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor, detective supervisor or other designated person.

The officer that has assumed or been assigned to maintain the integrity and security of the crime or disaster scene shall continue to maintain a written Crime Scene Log as soon as practical and consider the following information when accomplishing the crime scene log:

1. The scene(s) must be secured immediately with a perimeter of sufficient distance to safeguard evidence. In some circumstances, an inner and an outer perimeter may be

- appropriate.
2. Access to the scene(s) shall be limited to only those officials who must enter for criminal investigative purpose.
 3. The Crime Scene Log (Crime Scene Log) identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
 4. When not needed for medical and fire suppression efforts, fire and ambulance personnel should be excluded from the crime scene.
 5. Unless exigent circumstances exist, no items shall be moved inside the scene(s), or removed from a scene, without approval of the scene supervisor, unless absolutely necessary for public or officer safety or the preservation of evidence. If removal without approval is necessary, the removal must be logged. The log shall state the identity of the person removing the described object, the reason for removal, and the time of removal. The item should be photographed in its original location, and if possible, diagramed prior to removal.

X

USE OF FORCE INVESTIGATIONS

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:

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 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.

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

FORCE REVIEW COMMITTEE

A Force Review Committee shall be appointed to review every use of force described in section IX, 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.

Upon conclusion of the Force Review Board, the Board will present its findings to the involved employees prior to presentation to the Chief of Police. The involved members, if they so choose, may respond to the Use of Force Committee for consideration prior to the committee's presentation to the Chief of Police.

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 INVESTIGATION REPORTS

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.

Andrew Shearer
Chief of Police

PRIORITY

SPRINGFIELD POLICE PUBLIC SAFETY STATEMENT

****Supervisors will not ask why or how the involved officer(s) reacted to the incident****

<hr/> Supervisor Name	<hr/> Badge #/DPSST #	<hr/> Date	<hr/> Time
<hr/> Officer Name	<hr/> Badge #/DPSST #	<hr/> Date	<hr/> Time
<hr/> Incident Description	<hr/> Incident Location	<hr/> Incident Case #	

DIRECTIONS TO ON-SCENE SUPERVISOR:

You are about to compel a statement from employees involved in a critical incident. **You shall not deviate from this procedure or its content.** One statement card shall be completed for each officer/employee involved.

You will document the officer (s) answers provided in a written incident report which shall contain that the Public Safety Statement was formerly given to the involved officer (s), the content of the answers and information provided by the involved officer(s), and that the supervisor did not deviate from this compelled statement.

“Officer _____, I am directing you to provide me a public safety statement. Due to the immediate need to take action, you are ordered to answer my questions regarding the incident you were involved in. If you refuse to answer any questions relating to the performance of your official duties, you will be subject to disciplinary action, which could include dismissal from Department employment. You do not have the right to wait for legal or union representation before answering these limited questions.”

The supervisor shall then read the following bolded statement, ask the listed questions exactly as written, and take necessary action based on the answers. The Supervisor will disseminate public safety information immediately via radio or as otherwise appropriate.

“At this time and to the best of your knowledge, please answer the following:”

1. **Are you injured and if so, what are your injuries?** _____

2. **If you know of anyone who was injured, what is his or her location?** _____

3. **From where and in what direction did you fire rounds?** _____

4. **From where and in what direction did the suspect(s) fire rounds?** _____

5. **If suspects are outstanding, what are their descriptions?** _____

Supervisor: If there are no outstanding suspects, proceed directly to question # 6, otherwise ask questions # 5a-e:

5a. **What was their direction of travel?** _____

5b. **How long have they been gone?** _____

5c. **For what crimes are they wanted?** _____

5d. **With what weapons were they armed?** _____

5e. **Are there any other safety risks known about the outstanding suspect(s)?** _____

6. **Does any evidence need protection and if so, where is it?** _____

7. **Are there any known witnesses?** _____

8. **Where are they located?** _____

The supervisor shall then state:

“Officer _____, in order to prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors, prior to the arrival of the assigned investigating agency responsible for the criminal investigation, with the exception of your union and legal representation.”

The officer should now be encouraged to contact his/her family to inform them of the general type of incident they have been involved in, without disclosing facts or details of the incident.

The supervisor will make sure the officer(s) Springfield Police Association (SPA) president and/or union representative are contacted, and advised of the situation as soon as possible.

The supervisor will make sure any/all body cameras are seized and secured per department policy. Absent exigent circumstances, the supervisor who obtains Public Safety Statements shall remain at the scene to provide information to responding investigators. The supervisor will not ask any further questions other than those listed on this form. A copy of this form including the officers’ responses to the questions asked will be made for SPA and/or their attorney as soon as possible.

GENERAL ORDER 36.1.1

Body Worn / In Car Video Cameras

SUMMARY

Body-worn/In Car Video 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/In Car Video 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/In Car Video 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/In Car Video cameras does not reduce the requirements to provide thorough written documentation of an incident. Persons reviewing recordings derived from body-worn/In Car Video 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/In Car Video 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/In Car Video camera systems are a developing technology, changes in the law will create mandatory changes in this policy. Modifications in body-worn/In Car Video 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.

In Car Video (ICV)- is defined as any electronic device that is permanently mounted on any patrol

vehicle, whether marked or unmarked, and records video/audio files as 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.

Video Pre Buffer- video Pre-buffer is continuous video looping that incorporates into the recorded video upon initiation of pressing the system's record button. The Video Pre-buffer is configured to 30 seconds and without any audio recording.

POLICY

This policy is intended to provide direction on when and how to use body-worn/In Car Video cameras and related video evidence. Use of body-worn/In Car Video 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 is also designed to establish guidelines for the acquisition, use, maintenance, retention, labeling, duplication, and destruction of video files, and to identify the responsibilities of officers, supervisors and administration.

This policy does not apply to lawful surreptitious audio/video recording interception of communications for authorized investigative purposes.

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

OFFICER RESPONSIBILITIES/BWC's

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).
2. 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.
3. 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.
4. 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.

5. 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.
6. In the event that a body-worn camera is lost, upon discovery, the officer shall immediately notify his/her supervisor.
7. Officers shall only use body-worn cameras in conjunction with official department duties.
8. Equipment inspection and function check will be addressed in training.

OFFICER RESPONSIBILITIES/ICV

1. The In Car Video camera system is designed to turn on automatically whenever the patrol car emergency lights are activated. The system may be manually activated by the officer (s) in other circumstances.
2. The ICV will be activated under any circumstances listed under the ACTIVATION section of this policy if applicable.
3. Anytime the vehicle is in use the video system shall be powered on.
4. Officers will position the police vehicle with highest regard for the safety of the officer, the violator, and the general public at all times. Officers shall attempt to position the In Car Video camera in such a way as to best capture the incident. However, officers shall not compromise their safety in order to obtain video.

SUPERVISOR & POLICE DIGITAL EVIDENCE TECHNICIAN RESPONSIBILITIES

Supervisors shall ensure officers are equipped with BWC/ICV 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/ICV, 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/In Car Video 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/In Car Video 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) Prisoner and courtesy transports.

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/In Car Video camera upon initial contact, the officer shall verbally record the reason on the BWC/In Car Video recording once the BWC/In Car Video 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.

Officers shall notify personnel assisting from outside agencies whenever either video or audio recording is in use. Officers shall not compromise their safety in order to provide notification, but shall provide notification once it is safe to do so.

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/In Car Video 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/In Car Video cameras when officers are responding to calls for service or during the course of an investigation. Recordings of juveniles captured with the body-worn/In Car Video 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/In Car Video 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/In Car Video-camera is to obtain evidence and information relevant to the incident.

Body-worn/In Car Video 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/In Car Video 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/ICV 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 BWC(S) 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/In Car Video 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 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/In Car Video 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/In Car Video 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/In Car 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/In Car Video 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/In Car Video 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/In Car Video 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/In Car Video 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/In Car Video 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/In Car Video 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 secure 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/In Car Video 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/In Car Video 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/In Car 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/In Car 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/In Car Video 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/In Car Video 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/In Car Video 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/In Car Video 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/In Car Video Camera program and policy review will be conducted annually by the Investigation Services Division Lieutenant.



Andrew Shearer
Chief of Police

