

**EXHIBIT 1**

**INTERAGENCY**

**UNION COUNTY MAJOR CRIME TEAM**


**AGREEMENT**

## MAJOR CRIME TEAM AGREEMENT

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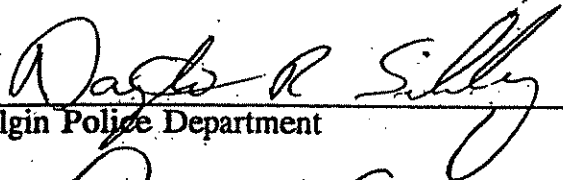
- A. The Major Crime Team will consist of personnel selected by the Union County Sheriff's Department, Oregon State Police, La Grande Police Department, Elgin Police Department and Union Police Department as needed.
- B. Upon activation, death investigations shall be under the joint direction of the head of the agency of primary responsibility, the Major Crime Team and the District Attorney or his designee. The agency which receives the initial call shall be the agency of primary responsibility. In the case of simultaneous notification, the agency of responsibility shall be decided by the agency heads.
- C. The department supervisor of the primary agency will select the person who will be the Team Commander. The Team Commander will coordinate with the other agency (s) supervisor regarding assignments and direction. Should a disagreement occur as to direction or assignments, the District Attorney's Office will decide any pertinent matters. The Team Commander and other agency supervisor(s) should remain free of any direct investigative duties in order to oversee and support the investigation.
- D. The individual Major Crime Team member is accountable to his/her agency for his/her conduct, performance and activities as a law enforcement officer.
- E. The Major Crime Team will respond to all deaths requiring a criminal investigation and assume command of the criminal investigation.
- F. The Major Crime Team will use the Oregon State Police Crime Laboratory and fingerprint personnel when appropriate.
- G. In death involving possible arson, the Major Crime Team may request the assistance of the Oregon State Police Arson Detail or State Fire Marshal.
- H. Copies of all reports will be submitted to the Commander, who will cause the reports to be submitted as soon as possible to the District Attorney.
- I. The Major Crime Team will conduct their investigation in a professional manner and will use approved techniques in the handling of all evidence. The Primary Agency will be responsible for seizing and storing all evidence.
- J. Whenever possible, the Major Crime Team will attend training seminars and, if requested, will provide their assistance as instructors in the local jurisdiction training programs.
- K. The Major Crime Team will not be restricted to investigating homicides. Participating agencies will have the authority to activate the Major Crime Team as they deem necessary.

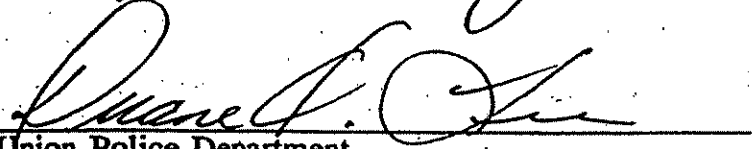
- L. The Union County Sheriff's Department, Oregon State Police, La Grande Police Department, Elgin Police Department and the Union Police Department shall make available to each Major Crime Team supervisor a list of off-duty telephone numbers. This list shall include only those persons authorized to activate their agency's Major Crime Team members. Each agency's supervisor will be responsible for notifying their respective agency's Team members.
- M. It will be the responsibility of each agency to provide sufficient manpower to staff the Major Crime Team (within that agency's ability). If a Primary Team Member is unavailable, an alternate member will be called.
- N. Manpower needs will be decided on a case-by-case basis and will be mutually agreeable to by each agency's supervisor. Crime scene security will be made available on an equal basis from each agency and will be supplied where possible by non-crime team members.
- O. It will be the responsibility of the Primary Agency supervisor to schedule briefing sessions and team meetings.
- P. Press releases will be the responsibility of the primary agency and the District Attorney's Office. In the case of death investigations, normally the District Attorney will make all press releases.

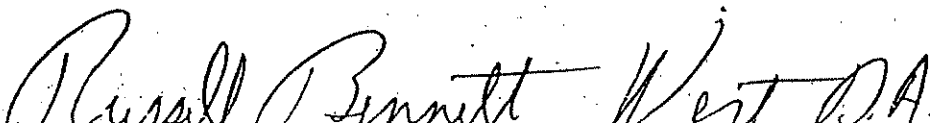
  
Union County Sheriff's Department

  
Oregon State Police

  
La Grande Police Department

  
Elgin Police Department

  
Union Police Department

  
West DA

**EXHIBIT 2**

**DEADLY PHYSICAL FORCE  
POLICIES**

Union County Sheriff's Office Policy Manual  
Policy 304 - Shooting Policy

Edit Policy Title      Revert Policy Title

Add Section

Back to Policy Listing      Back to Chapter Listing

**304.1 PURPOSE AND SCOPE**

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Sheriff's Office and/or a deputy's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

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Revert      Remove  
Add sub-section

**304.11 POLICY**

It is the policy of the Sheriff's Office to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- a. A deputy may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an immediate threat of death or serious bodily injury.
- b. A deputy may not use deadly force to stop a fleeing suspect unless the deputy has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- c. To stop a dangerous animal
  - 1. In circumstances where deputies encounter an unexpected dangerous animal or are surprised by an animal which reasonably appears to pose an immediate threat to the safety of deputies or others, deputies are authorized to use deadly force to neutralize such a threat.
  - 2. In circumstances in which deputies have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, deputies should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any deputy from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- d. With the approval of a supervisor, a deputy may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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Revert      Remove  
Add sub-section

- e. For target practice at an approved range

Where feasible, a warning shall be given before a deputy resorts to deadly force as outlined (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

### 304.12 WARNING SHOTS

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

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### 304.13 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- a. Unless it reasonably appears that it would endanger deputies or the public, deputies are expected to move out of the path of any approaching vehicle.
- b. This is not intended to restrict a deputy's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the deputy or others.
- c. Deputies may not use deadly force to stop a fleeing suspect unless the deputy has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened imminent infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

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Add Sub-section	

### 304.14 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any employee who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to the Patrol Captain as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with the Patrol Captain prior to the end of shift unless otherwise directed. If off-duty, as directed by the Patrol Captain but no later than the end of the next regularly scheduled shift.

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Add Section

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LA GRANDE POLICE DEPARTMENT

# Policy and Procedure

NUMBER: 05.03.00  
SUBJECT: USE OF DEADLY FORCE  
EFFECTIVE: January 1, 2006  
REVIEW: January 2007, 2008, 2009, 2010

1. **PURPOSE.** No action on the part of a law enforcement officer can have more far-reaching consequences than the use of deadly physical force. As long as members of the public are victims of violent crimes and officers in the performance of their duties can be confronted with life-threatening situations, it will remain necessary for the officers to be properly armed for the protection of society and themselves. This order provides officers with a single source of reference on the use of deadly physical force. For the purposes of this directive, "deadly physical force" means the use of physical force, including the use of a weapon that under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
2. **POLICY.** All employees who are authorized to carry weapons shall become familiar with and abide by the following guidelines and procedures regarding the use of deadly physical force:
3. **USE OF DEADLY PHYSICAL FORCE.** Officers are equipped with a firearm to defend themselves and others against deadly physical force, or threat of imminent deadly physical force. When an officer uses a firearm, it must be with the realization that the death of a person may occur.
  - A. Officers will not be criticized for the use of deadly physical force when it is found that such force is justified and necessary, based on the facts and circumstances as they reasonably appeared to the officer at the time. Justification for the use of deadly physical force by an officer is limited to the facts as they reasonably appeared to the officer at the time of the decision to use deadly physical force.
  - B. The Oregon Revised Statutes cover the Use of Physical Force and Deadly Physical Force. Those dealing with Deadly Physical Force are ORS 161.219 to 161.239. These provide a general framework, and are relevant to the extent they are explained and modified by *Tennessee v. Garner*. This directive is intended to authorize the use of force to the extent authorized under the United States Constitution and Oregon law.

4. **DEFINITIONS FOR DEADLY FORCE ENCOUNTERS:**

- **Deadly force:** Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
- **Non-deadly force:** Any use of force other than that which is considered deadly force.
- **Force Continuum:** A description of the escalation/de-escalation of force used by police personnel in response to actions taken by a suspect or offender. The continuum illustrates the legal duty of an officer to use only reasonable force in response to the threat perceived by the officer.
- **Serious Physical Injury:** Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- **Reasonably Belief:** A reasonable belief in facts or circumstances which, if true would in law constitute an offense.

5. **GENERAL GUIDELINES GOVERNING USE OF DEADLY PHYSICAL FORCE.** These guidelines restate legal principles of justification for the use of force, which are represented by the Use of Force Continuum. Officers shall be directed by the following general guidelines:

- A. **Use of Deadly Physical Force.** Deadly physical force will be used only for the protection of life, prevention of serious bodily injury, or the apprehension of a person who the officer reasonably believes poses a serious danger to the officer or the public.
- B. **Exhaust Reasonable Means.** Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly physical force. Reasonableness and practicality are to be judged based upon the circumstances that actually exist, and are known to the officer at the time and place the firearm is used.
- C. **Safety of Bystanders.** Any discharge of a firearm must be done with proper regard for the safety of bystanders or other people in the immediate area.
- D. **Officer Discretion.** Even when an officer may be permitted to use deadly physical force, the officer may refrain from doing so if the officer believes the use of such force is inadvisable under the particular circumstances.
- E. **Decision to Display Firearms.** An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk the situation may escalate to the point where deadly physical force may be justified. When an officer has determined that the use of deadly physical

force is not necessary, the officer should, as soon as practical, secure or holster the firearm. These judgments are matters committed to the discretion of the officer in each instance. The officer must decide what actions are necessary in order to maintain control.

- F. Justification on Use of Deadly Physical Force. An officer may not use deadly physical force simply to arrest or prevent the escape of persons committing a felony crime against property. Example: Deadly physical force may not be used to apprehend a person fleeing in a stolen vehicle, nor a person fleeing from a Burglary II (typically a commercial establishment), nor a person wanted for a felony narcotics offense. The only exception is to prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others.

Justification for the use of deadly physical force must be limited to what reasonably appeared to be the facts known, or perceived by the officer at the time the officer decided to use deadly physical force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the officer's action was justified.

6. **SPECIFIC GUIDELINES GOVERNING USE OF DEADLY PHYSICAL FORCE.** General guidelines are set out above. Officers are directed by the following specific guidelines:

- A. Use of Deadly Physical Force Authorized. An officer is authorized to employ deadly physical force whenever it appears to the officer that there is no reasonable alternative under the following circumstances:

- 1) The officer reasonably believes that the use of deadly physical force is necessary to protect the officer or any other person from the use or threatened imminent use of deadly physical force.
- 2) The officer reasonably believes that the use of deadly physical force is necessary to protect the officer or any other person from death or serious physical injury.

- B. Other Authorized Uses of Firearms. An officer is further authorized to discharge a firearm in the performance of the officer's official duties under the following circumstances:

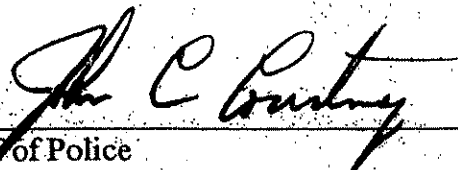
- 1) To destroy an animal that represents a threat to public safety or, with permission from an on-duty supervisor, to kill an animal so badly injured that it should be destroyed to prevent further suffering, when the officer reasonably believes that deadly force can be used without harm to the officer or others.
- 2) At a firing range or other approved facility or area, pursuant to all safety rules and regulations.

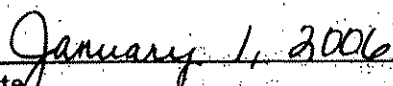
3) An officer may discharge firearms to provide cover fire in a tactical situation to neutralize the use of deadly physical force by a suspect or suspects so that police or other persons can maneuver in safety.

C. Firing From a Moving Vehicle Prohibited. Officers are prohibited from discharging firearms from a moving vehicle.

D. Signals/Warning Shots Prohibited. Use of a firearm is not authorized as a signal, warning shot or communication method, for reasons related to safety of bystanders, unless there are no other means available to protect a life.

7. **ADMINISTRATIVE LEAVE.** The Chief of Police or designee shall, upon completion of the officer's preliminary report of the incident, place on "administrative leave" any officer directly involved in a deadly use of force situation resulting in serious physical injury or the death of a human being. This leave shall be without loss of pay or benefits pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave, the officer shall remain available for departmental interviews and statements regarding the incident, and shall be subject to recall to duty at any time.

  
\_\_\_\_\_  
Chief of Police

  
\_\_\_\_\_  
Date

**ELGIN POLICE DEPARTMENT  
GENERAL ORDER**

<b>Subject:</b> <b>USE OF FORCE</b>	<b>Effective Date:</b> <b>Revised 02/29/2008</b>	<b>G.O. Number:</b> <b>1.5.1</b>
	<b>Approved:</b>  <i>Kevin M Lynch Chief of Police</i>	

**SUMMARY**

Establishes a procedure encompassing the use of force and identifying the Department authorized lethal and non-lethal weapons.

**DISCUSSION**

The use of physical force constitutes one of the most serious responsibilities for any police officer or department. It is essential for the protection of the officer, the department and the community that specific procedures and policies be followed to ensure that only the force necessary to accomplish a legal objective is used.

**POLICY**

**SECTION I  
DEFINITIONS**

**Officers:**

For the purpose of this section, officers shall include sworn officers and / or department members authorized to carry a weapon.

**Deadly Weapon:**

Any instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury.

**Dangerous Weapon:**

Any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

**Deadly Physical Force:**

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

**Physical Injury:**

Means impairment of physical condition or substantial pain.

**Serious Physical Injury:**

Means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**Reasonable Belief:**

Means what the prudent and rational person, in the same set of circumstances, would believe.

**Firearm:**

A firearm means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon as described in ORS 166.210.

## SECTION II USE OF FORCE

In the course of their duties, members may have cause to control the physical behavior of other people. Department members shall use only that force necessary to accomplish:

1. Lawful objectives
2. Gaining and maintaining control and compliance of subjects/suspects
3. Defending and/or protecting the officer or any third person
4. The protection of property.

Such force shall not proceed beyond the point of the subject's compliance to submit to the Officer and the need to maintain adequate control. The force permitted is dependent upon the resistance with which the officer is confronted. To give guidance to the degrees of force the department sanctions, the escalation of force continuum is presented. The Force Continuum Chart is intended only as a training guideline. The chart does not represent the action that must be taken by an Officer who is confronted with resistance, nor does it prevent any officer from finding an alternative method of a lesser degree than listed to gain compliance of the person. The chart is only a training tool.

**Force Continuum**

Level of Force		Method of Force	Level of Resistance	Threat
<b>VI</b>	<b>Deadly Force</b>	Any force readily capable of causing physical injury or death	<b>LETHAL</b>	<b>R E S I S T I V E</b>
		Less Lethal Munitions		
<b>V</b>	<b>Serious Physical Control</b>	Impact Weapon Focused Blows Carotid Restraints	<b>OMINOUS</b>	
<b>IV</b>	<b>Physical Control</b>	<b>Chemical Agents</b>	<b>Active</b>	
		Hair Holds, Joint Manipulation, Pressure Points	<b>STATIC</b>	
<b>III</b>	<b>Physical Contact</b>	Escort Holds Directional Holds	<b>VERBAL</b>	
<b>II</b>	<b>Verbal Commands</b>	Direct Orders, Persuasion, Questioning		
<b>I</b>	<b>Presence</b>	Combat Stance Interview Stance Open Stance	<b>NONE</b>	<b>Complying</b>

**STATIC:** Threat refuses to comply with your verbal commands by balking, becoming dead weight and / or grasping on to a solid object.

**ACTIVE:** Threat physically resists the officer's verbal commands and or attempts to gain physical control by pulling away, attempting to escape or power through or out of a control hold.

**OMINOUS:** The threat demonstrates the willingness to engage in combat, by displaying menacing behavior, or assaults (bites, kicks, strikes, pushes etc...) or attempts to assault the officer or others, during contact or during an attempt to control the threat.

**LETHAL:** Any force that is readily capable of causing serious physical injury or death. The force can be a weapon or superior strength.

### **SECTION III TRAINING**

(1.3.11)

The Elgin Police Department recognizes the importance of training to maintain proficiency. The department will provide training covering the department's policies on the use of force and lethal weapons at least once annually. Lethal weapons training shall be conducted by a certified weapons instructor. Training for less lethal weapons utilized/carried by officers will occur at least annually. This training may be in-service instruction, a written test or hands on proficiency training.

All training shall be documented and forwarded to the Patrol Supervisor. Members shall demonstrate observable proficiency with all weapons prior to the issuance and utilization of any less lethal or lethal weapon. Department training officers in the specific discipline will instruct and record proficiency in the specific discipline. The instructors will forward a copy of completed training to the Patrol Supervisor, indicating that the officer(s) have demonstrated or have the knowledge of the use of the weapon. In the case that an officer does not pass a written test or fails to demonstrate proficiency in the use of a particular weapon or discipline, the instructor shall cause the member to engage in remedial training. The specific remedial training needed will be at the discretion of the training officer of the discipline. The remedial training will be documented. Upon the successful completion of remedial training, the instructor will document completion and forward it to the Patrol Supervisor. If an officer fails to complete remedial training, the instructor will notify the Patrol Supervisor. The Patrol Supervisor will make every attempt to rectify the deficiency. If the deficiency is not remedied, the Patrol Supervisor shall forward the case to the command staff for remedy.

## **SECTION IV WEAPONS**

### **CHEMICAL AGENTS**

Individual aerosol projectors of chemical agents (Oleoresin Capiscum / Cap Stun) are authorized for normal carry by department members. Use or carry of such agents requires attendance at department training. Only members specifically trained in the application of chemical agents and associated equipment (gas guns, pepper fogger, etc.) shall employ such agents. Persons exposed to any chemical agents introduced by a member of the department, shall be decontaminated as approved training dictates, as soon as practical. Medical treatment will be provided for all persons who sustain visible injury, or have been rendered unconscious.

### **POLICE BATON**

Department members may carry a straight, side handle or collapsible baton. This baton may be carried at all times by police officers, while in uniform. Police officers in plain clothes or off duty may carry a collapsible baton. The use of and control techniques shall conform to the departments force continuum and training standards from the Department of Public Safety Standards and Training.

### **LESS LETHAL IMPACT MUNITIONS AND WEAPONS**

Less Lethal munitions can cause similar injuries as traditional impact weapons, i.e.: Baton, PR 24 and ASP. Less Lethal munitions are not intended to produce deadly effects, but just as with other impact weapons, serious injury or death can be produced by these munitions. Department members shall use and deploy these munitions in accordance with G.O. 1.5.0 and other applicable portions of this General Order.

### **FIREARM SELECTION**

All firearms carried on or off duty by authorized personnel shall conform to the specifications contained in this section. Officers on special assignment may carry a firearm not in conformance with this section if such firearm is approved in writing by the Chief of Police.

**Make:** Any make accepted by the Firearms Instructor as being well constructed, safe, reliable, and approved by the Chief of Police, or their designee.

**Caliber:** The firearm must be designed to chamber either 38 or 357 magnum, 40 caliber, 45 ACP or 9 mm Parabellum.

*Secondary (Backup) Weapon:*

Any make or caliber approved by the department firearms training officer and the Chief of Police. Additionally, the method of carry should be secure and afford a reasonable degree of retention.

*Off Duty Weapon:* Any make or caliber approved by the department firearms training Officer and the Chief of Police.

**Barrel:** Up to 6" (revolvers carried in uniform as primary duty weapon must have a minimum of a 4" barrel).

**Sights:** Primary Duty Weapon: Fixed or adjustable.

**Grips:** Factory standard or approved by firearms instructors.

**Trigger:** Standard or combat type without trigger shoe and with a minimum 3-pound pull.

**Safety:** Semiautomatic pistols carried must have an internal firing pin safety mechanism. Any exceptions must be approved by the firearm instructors and the Chief of Police.

### **ISSUANCE OF FIREARMS**

Officers issued a Department firearm shall not make any adjustment or alteration, except proper sight alignment, unless so authorized by the firearms training officer and Chief of Police. Officers who carry a non-issued firearm are responsible for all maintenance of their firearm, and the use of the firearm shall be subject to all applicable rules and regulations with respect to department issued firearms. Firearms shall be kept clean and in good repair at all times. Whenever a malfunction is discovered, the officer shall not carry the weapon and will immediately report the situation through the chain of command and obtain replacement or repair. A record of all firearms approved to be utilized/carried by department members, will be recorded by the firearms training officer.

### **AMMUNITION**

Officers shall carry a loaded authorized firearm at all times while on duty. Officers shall carry a minimum of 15 rounds of issued ammunition. For officers in uniform, the minimum is 18 rounds including at least one full reload in an approved carrying device. This requirement may be waived by a command officer if compliance would jeopardize completion of an assignment or officer safety.

Only department issued ammunition will be carried in the primary on duty firearm. The department will replace duty ammunition at least once annually. Secondary weapons of caliber .38, .357, 380, 9 mm, or .45 shall carry department approved ammunition.

### **BACK-UP FIREARMS**

Officers desiring to carry more than one firearm on duty shall request such authorization from the Chief of Police. Such requests shall clearly state all pertinent data concerning the firearm. The weapon must be carried concealed upon the officer in a safe manner. The weapon must meet department standards, and the officer must demonstrate proficiency in the operation of that firearm prior to being granted permission to carry it.

### **OFF DUTY FIREARMS**

When off duty, officers are encouraged to carry a loaded authorized firearm, department identification card and badge. Factors of consideration where off duty weapons should not be carried:

1. Circumstances in which the officer is, or more than likely will be, affected by the consumption of alcohol or medication/drugs.
2. When participating in a sporting or other event that precludes, by its nature, the carrying of a firearm.

Weapons that are being carried off duty, shall be inspected by the departments firearms training instructor to analyze that the off duty weapons meets safety standards. Officers will comply with the following steps.

The firearm shall be registered with the department firearms training officer. (Weapon type, caliber, serial number, service record if any.)

The firearm shall be inspected by the department firearms training officer or designee and must be found to be in good working order and conforms to department standards.

### **FIREARMS INSTRUCTION AND QUALIFICATION**

All sworn police officers shall be instructed in and provided copies of all procedures involving: the use of force and the use of Less Lethal weapons prior to being authorized to carry a firearm or any other Less Lethal weapon. An officer shall receive copies of these policies and have acknowledged in writing that he/she understands the policies.

All officers and personnel authorized to carry a firearm shall pass a qualification course and demonstrate to the department firearms training officer a satisfactory knowledge of the mechanics and safe operation and handling of the weapon. Normally, compliance

with this section requires attendance at authorized firearms training sessions.

### **FIREARMS INSPECTIONS**

Any supervisor or department firearms training officer is authorized to inspect any firearm being carried by any member of this department to analyze the weapons safety and dependability.

## **SECTION V USE OF FORCE REPORTING**

Whenever force is used by a member of the Elgin Police Department, and injury results, to an officer or third party, a report shall be taken and details of the use of force documented therein. If a report would normally be written on the incident where injury occurred, then the use of force shall be documented in that report. If no report would normally be made, the use of force shall be documented in an incident report. In addition to the incident report, the officer shall complete the "Use of Force Supplemental Report" (attachment B) and attach it to the original incident report. A copy of the report shall be directed to the Chief of Police. All officers shall ensure that the reports are completed by the end of shift on the date of the incident unless otherwise directed by the supervisor. All efforts shall be made to account for the well-being of any and all officers involved in such an incident and be in accordance with this General Order.

If any department member is injured while on duty, a report shall be completed and forwarded to the Chief. If the injury is serious or fatal, the Chief of Police shall be immediately notified. All reports will be complete and accurate and must be submitted within 24 hours of the incident. Should the officer not be able to provide a report then that officer's direct supervisor or other officer that was present will submit the report.

In addition, the department will conduct an annual review of all use of force reports (see attachment "A").

### **USE OF FORCE INJURIES OR DEATHS**

All injuries or deaths caused by a department member shall be given appropriate medical aid. The department recognizes that in some instances, monitoring a subject would suffice. In other instances, it might be appropriate to flush chemical agents from a subject's eyes and face, or initiate the Emergency Medical System. In conclusion, it should be noted that each case will be different and as such, it will be the responsibility of the officer to use good judgment and seek or render the appropriate medical aid based upon their training and experience.

All injuries or deaths caused by a department member are subject to the review board process. When serious physical injury or a death has resulted from the use of force, the Chief of Police and the immediate Supervisor will be notified as soon as practical. The officer will be removed from line duty assignments immediately. A complete and accurate reporting of the incident with the officers involved is required (not necessarily in written form). It is recognized that such traumatic incidents have special needs. Officers involved may not be able to, as accurately and quickly, report the incident as they would be in other situations of a less significant nature.

Appropriate and reasonable time lines for the reporting of facts surrounding critical incidents shall be determined by the Chief of Police, along with the investigative team, whether or not that team is from an outside agency.

In all likelihood, such a reporting by officers involved, especially those involving serious physical injury or death, will be verbal, not written, to an investigator.

A Supervisor must be notified when physical injury appears to have resulted from the use of force, a complaint of pain is expressed, or a use of less lethal weapon has rendered an individual unconscious as defined in G.O. 1.5.0. Should the board find that a department member has acted outside their authority, violated the Law or department procedures and or policies the findings shall be forwarded to the Chief of Police.

## **SECTION VI USE OF DEADLY FORCE**

### **JUSTIFICATION**

An Officer may use deadly physical force only when the officer reasonably believes that the action is in defense of an immediate threat of serious physical injury or death to the officer or any other person.

### **FLEEING FELON**

Consistent with ORS 161.239, deadly physical force may be used against a fleeing felon only: To effect the arrest or prevent the escape of a felon, when in the commission of the felony that involved the use or threatened imminent use of physical force against a person, the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

### **WARNING SHOTS**

Warning shots, due to the inherent danger involved, shall not be allowed.

### **SHOOTING AT OR FROM MOVING VEHICLES**

Officers shall not shoot at or from a moving vehicle unless circumstances dictate that such action is reasonably necessary in the defense of the life of the officer or any third party. Due to the inherent danger involved with this action, officers shall use extreme caution.

### **DISPOSING OF ANIMALS**

Elgin Police Officers are authorized to discharge firearms when disposing of a dangerous or severely injured animal.

## **SECTION VII DISCHARGING OF FIREARMS**

### **REPORTING REQUIREMENTS FOR FIREARM DISCHARGE**

Any member who discharges a firearm, intentionally or accidentally, except in the course of training, disposing of an injured animal or for off duty recreational purposes, shall immediately notify a supervisor. That supervisor shall cause a detailed report of the full circumstances to be promptly submitted to the Chief of Police.

### **DISCHARGE RESULTING IN DEATH OR INJURY**

When the use of a firearm or any other weapon has caused death or injury, that weapon shall be taken into custody by a supervisor or command officer. The weapon of any member shall also be surrendered, upon request, to a supervisor or command officer for ballistic tests when necessary to determine the weapon which caused injury and/or death. No member shall refuse to surrender any weapon. Unless circumstances deem otherwise, the supervisor shall, as soon as possible, replace the surrendered weapon with an approved firearm. All requests for weapon surrender shall be made at a location suitable for such request. It is always preferable to make this request at the Police Department. This will ensure that the weapon is secured in a proper manner, and does not provide a springboard for speculation by the general public who may observe the taking of a weapon from the involved officer.

**SECTION VIII**  
**USE OF FORCE REVIEW BOARD**

**FORMATION OF THE REVIEW BOARD**

The Chief of Police shall designate the members and chairperson of the Use of Force Review Board. Members shall include a supervisor and two Officers (one of which shall be a use of force instructor). The Board is authorized to request information, interview persons, present information, and call involved members and witnesses to appear before the board for inquiry. The Chief of Police may elect to have an independent agency serve in the capacity of the Use of Force Review Board. At the conclusion of the investigation and review, the chairperson shall prepare a report summarizing: the facts, investigation, findings, conclusions, and any necessary training recommendations. This report shall be in written form and presented to the Chief of Police within two business days after the conclusion of the review board. In the event that the Review Board is unable to have a majority consensus, the Chief of Police shall cast the deciding vote.

**DUTIES OF REVIEW BOARD**

The Use of Force Review Board shall investigate and review the circumstances surrounding each on and off duty discharge of firearms or use of force by a member or when such discharge or use of force was not in the course of approved training or for off duty recreational purposes and in all instances where the discharge or use of force results in injury or death of any person. The review shall encompass the contributing causes of the incident to determine what circumstances brought about the need to discharge the weapon or use force.

The chair shall call a meeting of the Use of Force Review Board within 2 business days after each discharge of a firearm or use of force that causes injury or death to any person, unless prevented by unusual circumstances. The Review Board shall make a finding of facts as to the circumstances surrounding any shooting incident or use of force. A written report will be submitted by the Chairperson to the Chief of Police for his review.

If the majority of the review board indicates that a firearm discharge or use of force was not consistent with department policy, one of the following steps shall be recommended to the Chief of Police

1. If a violation of law or department rules or regulations is indicated, the matter shall be referred to the Chief and shall be processed in accordance with the disciplinary procedures.
2. If an incident is due to improper training, the matter shall be referred to the Chief so that proper retraining can be given.

3. If the discharge was accidental, a recommendation made as to whether or not discipline or corrective training is necessary.

The Chief of Police shall maintain a confidential file of review board findings. Finding of facts and discipline shall be kept in the involved officers personnel file in accordance with departmental policy.