

# City of Eugene POLICE COMMISSION



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The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Kaitlyn Lange, Chair; Tamara Miller, Vice-Chair; Mike Clark; Bernadette Conover; Jim Garner; Linda Hamilton; Jesse Lohrke; James Manning; Claire Syrett; Joe Tyndall; Bob Walker; Juan Carlos Valle

## Police Commission Meeting November 8, 2012

5:30 pm, Kilcullen Conference Room, Police Headquarters, 300 Country Club Road

<u>Item</u>	<u>Starting Time</u>	<u>Minutes</u>
1. Agenda review	5:30	5
2. Minutes Approval – October 11, 2012	5:35	5
3. Public Forum	5:40	10
4. Comments from Chair and Items from Commissioners	5:50	20
5. Committee Report – Outreach Committee	6:10	20
6. Committee Report – Policy Screening and Review Committee	6:30	30
7. Break	7:00	10
8. Chief's Report	7:10	25
9. Discussion about Committee to Create Path to End DPSZ	7:35	20
10. Discussion - Proposal to Hold a Meeting at Community Center	7:55	10
11. Closing Comments	8:05	15

Next Police Commission Meeting: Thursday, December 13, 2012



## Police Commission

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Memorandum

City of Eugene  
777 Pearl Street, Room 106  
Eugene, Oregon 97401  
(541) 682-5852

November 2, 2012

**To:** Members of the Police Commission  
**From:** Carter Hawley, Police Commission Analyst  
**Subject:** Material Review for November 8, 2012 Police Commission Meeting

Listed below are items on the upcoming Police Commission meeting.

### Committee Reports

By the time of the meeting, both the Outreach Committee and the Policy Committee will have met, and leadership of each will provide an update.

For the Policy Review and Screening Committee (PSRC), there are three policies which are scheduled for a review at the meeting on Tuesday, November 6. A possible outcome would be that the committee will approve all three policies and forward to the Police Commission for consideration at the November 8 meeting. The policies, as will be presented to the PSRC, are included in this meeting packet. If the PSRC modifies the policies, or is not prepared to forward the policies to the full commission, that information will be provided at the commission meeting.

### Discussion about Committee to Develop Path to End the DPSZ

On October 8, the City Council voted to extend the Downtown Public Safety Zone for one year, and the list of excludable offenses was modified for the 90 day exclusions. Additionally, a motion was made that reads:

*The City Manager [shall] create a committee, with council input, to develop a path to end the DPSZ that would involve social services, public safety, prevention and enforcement, and that the City Manager include a role for the Human Rights Committee in developing or reviewing this path.*

Staff are currently developing the charter that will be used to provide the framework for the committee's composition, goals, objectives, and meeting schedule. This item is on the Police Commission agenda to provide an opportunity for the Commissioners to offer input. If the Commission wants to offer a recommendation, a motion should be passed containing the recommendation. As an example, the Human Rights Commission passed the following motion:

*The HRC provide at least two representatives to the proposed committee concerning the Downtown Public Safety Zone and that the full HRC be invited to review that committee's recommendations and express its opinion to City Council and city Manager before Council decision on the outcome.*

### Recommendation to Meet in Community Center

One of the recommendations from the annual retreat was to have a meeting in a community center. This is an opportunity to discuss that option. Below is a list of city community centers that could be reserved for a meeting.

Amazon Community Center	Peterson Barn Community Center
Campbell Community Center	Sheldon Community Center
Hilyard Community Center	Washington Park Center
Lamb Cottage	

The Commission can discuss where it would like to meet, when and if there are any particular discussion items that should be scheduled for that meeting.

## **Police Commission Meeting Minutes**

September 13, 2012

5:30 pm, Kilcullen Community Room, Police Headquarters - 300 Country Club Road

Police Commissioners Present: Kaitlyn Lange, Chair; Tamara Miller, Vice Chair; Bernadette Conover; Jim Garner; Linda Hamilton; Jesse Lohrke; Joe Tyndall; Bob Walker.

Staff present: Pam Collette, Technical Services Division Manager; Carter Hawley, Police Analyst

Commissioners Absent: Mr. Mike Clark; Mr. James Manning; Ms. Andrea Ortiz; Mr. Juan Carlos Valle

Meeting convened at 5:30

### Minutes Approval

Minutes approved by unanimous consent.

### Public forum

No public comments were offered.

### Comments from Chair & Items from Commissioners

Ms. Lange – Will be soliciting agenda topics for upcoming meetings, and seeking feedback.

Mr. Garner – Welcomed Ms. Lange as chair.

Mr. Tyndall – Expressed concern that no action has taken place on the case involving the hot dog vendor. Some members of the community believe that this issue needs to be addressed. DPSZ was extended and significantly modified.

Ms. Conover – Conducted a ride-along with Sgt. Vinje. Reported the CRB met this week, and conducted two reviews. Steve McIntye was elected as chair, and Bernadette Conover was elected as vice-chair. She is likely to be stepping down from the Police Commission.

Mr. Lohrke – Compared how people sitting and drinking on public sidewalk outside business is either good business, when it occurs at outdoor seating of a business, or results in open container violations for people experiencing homelessness.

Mr. Walker – Expressed concern about stereotyping people who are homeless.

Ms. Miller – Shared that Ms. Deb Frisch came to the last Outreach Committee meeting and apologized for her past behavior.

### Videotaping

Mr. Lohrke reported the Open meetings law does not require videotaping, nor do police commission bylaws. Video camera cannot pick up context.

Ms. Miller and Ms. Hawley reviewed the history, explaining that the City Manager's Office required all boards and commissions videotape meetings, in an effort to increase public access to the committee actions and to increase transparency.

Ms. Conover stated her dissatisfaction with video recording.

Mr. Walker stated his dissatisfaction with video recording.

Ms. Miller expressed she is interested in videotaping, in the interest of the public.

Ms. Conover asked if it's possible to determine how frequently the video is accessed.

Mr. Garner supports the idea of videotaping if the public is interested.

Mr. Lohrke is not going to make a motion.

Ms. Conover asked staff to bring back information about the usage and viewing of the videos.

### Chief's Report

Ms. Collett provided the report, summarizing the trends and upcoming activities.

Ms. Conover asked about an issue she heard that community policing funds are not supported, and budget challenges are forcing people to abandon the practice of community policing.

Ms. Collett responded that EPD continues to support community policing.

### Bylaws

The Commission worked from the draft amended bylaws contained in the October 11 Police Commission material, and accepted all draft changes by unanimous consent, unless enumerated below:

Article II, section 3 – Change sentence to read:

The Commission shall maintain a mission statement and develop a work plan, to be reviewed and approved by the City Council, which will articulate how the listed outcomes will be achieved.

Approved by unanimous consent.

Article VI (1) - First two sentences changed to read:

The Commission shall submit a work plan and annual report of previous work in writing to the City Council. The report shall list the activities and accomplishments to date and assess these against the Commission's mission and work plan. Approved by unanimous consent.

Article IX (3) – First sentence changed to read:

Vacant positions shall be filled subject to approval by the commission. Moved by Mr. Tyndall, seconded by Mr. Walker. Passed unanimously.

Ms. Hamilton arrived.

Article IX(4) The first sentence of the paragraph was changed to read:

Each committee shall elect a vice chair and chair of the committee. Approved by unanimous consent

Mr. Walker moved and Ms. Lange seconded approval of the bylaws as amended. The motion passed 7 in favor, no opposed and Ms. Hamilton abstaining).

### Break

### Gang Symposium Update

Ms. Hawley provided an update of the gang symposium, including the new date of February 8 and 9, and location at Lane Community College.

### Committee Updates

Mr. Walker provided an update of the Policy Screening and Review Committee.

Mr. Walker moved approval of policy 316, seconded by Ms. Conover.

Mr. Garner asked if the committee considered eliminating the reference numbers to OAR & ORS, because as the policy numbers change.

Ms. Miller stated the officers refer to specific ORS numbers and carry ORS guides with them.

Ms. Conover noted it's easier to reference the specific citations, with specific numbers.

The policy was approved unanimously.

Mr. Tyndall provided an update for the Outreach Committee, announcing that he had been elected as chair, with Ms. Miller agreeing to serve as vice chair.

Mr. Tyndall handed out a proposed notice to the community.

Ms. Miller suggested that the order be changed to put "criticism" at the end of the sentence.

Ms. Conover expressed concern that the complaints are should be directed to the CRB.

Mr. Lohrke offered a suggestion.

The group, by unanimous consent agreed to place on all public free calendars the following notice to describe the Outreach Committee meetings:

An opportunity to offer commendations, suggestions and voice criticisms, about our police policies.

Mr. Tyndall stated the committee will be discussing a community forum at the University of Oregon.

Ms. Hamilton suggested that the UOPD be invited to participate.

#### Social Host Ordinance Update

Ms. Hawley provided an update of the social host ordinance.

Ms. Conover expressed concern that this ordinance is too punitive on UO students.

Ms. Miller expressed appreciation for the work of the group.

#### Closing Comments

Ms. Lange thanked the group for electing her chair.

Ms. Miller passed

Mr. Walker thanked Ms. Lange & thanked the group for the participation and thoughtful discussion.

Ms. Hamilton thanked the group for the comments, and apologized for being late.

Mr. Lohrke thanked Kaitlyn, and asked that this commission take a role in the interlocal agreements related to the University of Oregon Police Department.

Ms. Conover thanked Ms. Lange and Ms. Miller for skillfully handling the discussion related to the bylaws. She supported the idea of reviewing the interlocal agreements.

Mr. Tyndall thanked Ms. Lange. Mr. Tyndall asked how the Commission would go about creating a policy to allow homeless people to clear their record. He asked how the commission could pursue a new policy.

Mr. Garner supported concern about the color of uniforms at UO.

The meeting adjourned at 8:05

Notes taken by Carter Hawley



SERIES  
1101

NUMBER  
1

EFFECTIVE DATE  
10-10-99

GENERAL ORDER

SUBJECT

CODE OF CONDUCT

DISTRIBUTION

All Personnel

ORIGINATING UNIT

POM

PART I - Responsibilities and Procedures for All Personnel

- A. General Standard of Conduct
- B. Specific Standards of Conduct

PART I - Responsibilities and Procedures for All Personnel

A. GENERAL STANDARD OF CONDUCT

1. Sworn Officers: Law Enforcement Code of Ethics

LAW ENFORCEMENT CODE OF ETHICS ([Lexipol](#))

As a law enforcement officer, my fundamental duty is to serve society; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously nor permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a

public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

### **LAW ENFORCEMENT CODE OF ETHICS(EPD Lobby)**

*As a law* enforcement officer, my fundamental duty is to serve society; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

*I will* keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

*I will* never act officiously nor permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

*I recognize* the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

## 2. Communications Employees: Telecommunication's Code of Ethics

### TELECOMMUNICATOR'S CODE OF ETHICS

As a telecommunicator I regard myself as a member of an important and honorable profession. I will recognize the positive relationship between good physical and mental conditioning and the performance of my job. I will perform my duty with efficiency to the best of my ability. My conduct and my performance of my duties will be accomplished in an honest manner, contributory to my fellow workers, and observant of the laws of the city, state, and country. I will not, in the performance of my duty, work for unethical advantage or profit. I will recognize at all times in my duty that I am a public safety employee, and that ultimately I am responsible to the public. I will give the most efficient and impartial service of

which I am capable at all times. I understand the importance of courtesy and will maintain it as my reference point in all my duties. I will regard my fellow telecommunicators with the same standards as I maintain myself. I share a reciprocal affinity and obligation with my fellow telecommunicators, my administration, and my agency. I will accept responsibility for my actions. I will strive for those values which will reflect honor on my fellow telecommunicators, my agency, and myself.

**B. SPECIFIC STANDARDS OF CONDUCT**

**1. Conformance to directives**

You may not commit any act which violates any policy, procedure, or order of the City or department, whether stated in this manual or elsewhere.

**2. Abuse of position**

a. You may not use your position, official identification, or badge:

(1) for personal or financial gain or advantage;

(2) to obtain privileges;

(3) to avoid consequences of illegal acts; or

(4) to gain information from another agency or computer system for personal use.

b. You may not lend your identification cards or badges, or permit them to be reproduced, without the approval of the City.

c. You may not use your name, photograph, or titles which identify you as an employee for testimonials or advertisements without approval of the City.

d. In the discharge of duty, you cannot allow personal motives to govern decisions or actions.

**3. Associations**

a. You must avoid association with persons you know, or should know, are under criminal investigation or indictment, or who have a reputation as a criminal.

b. This rule does not apply on duty, where you are encouraged to contact (discover, arrest, process) such people, or where contact is

unavoidable due to circumstances beyond your control.

4. **Confidentiality of information**

You must keep confidential whatever you see or hear in your official capacity, except when the release of information is required to properly perform your duties.

5. **Conformance to laws**

- a. You must obey all laws of the United States, including any state or local jurisdiction in which you are present. A conviction of a violation of any law will be prima facie evidence of a violation of this section. You may be disciplined for violating the law even if you are not convicted.
- b. Because of your AIRS access, you must immediately notify your supervisor if you are charged with a felony or Class A misdemeanor.
- c. To comply with Title 18 of the U. S. Code (USC), if you are a sworn officer you must immediately notify your supervisor if:
  - ◆ you are arrested or cited for a misdemeanor crime of domestic violence as defined in 18 USC §921(a)(33); **or**
  - ◆ you are the subject of a court order meeting the requirements of 18 USC §922(g)(8) which restrains you from harassing, stalking, or threatening an intimate partner, as defined in 18 USC §921(a)(32).

6. **Constitutional rights**

- a. You have a fundamental duty to observe, respect, and protect the constitutional rights of every person with whom you come in contact. All persons, including those you suspect of committing a crime, retain their constitutional protections. Arrest deprives subjects only of their liberty; it does not affect their rights under the constitution.
- b. If you act within the law and our policies and procedures, you may enforce the law without fear of abrogating the constitutional rights of those you deal with.
- c. You will not stop, detain, or search any person based solely and impermissibly on that person's race, color, gender, sexual orientation, or national origin, or on your perception of that person's race, color, gender, sexual orientation, or national origin.

7. **Courtesy**

- a. You must be courteous to the public and to fellow employees, with whom you should make every effort to build good working relationships.
- b. You must be tactful, control your temper, exercise patience and discretion, and not be provoked by the actions of others.
- c. You may not use coarse, violent, profane, or insolent language or gestures.
- d. You are not to express any prejudice about race, politics, national origin, sexual orientation, or similar personal characteristics.
- e. Your public statements should show good judgment. Do not express personal opinions during the performance of official duties.

8. **Competency**

- a. You must maintain sufficient competency to perform your duties properly and to assume all responsibilities of your position.
- b. You must perform your duties professionally, and maintain the highest standards of proficiency in carrying out assignments.

9. **Unsatisfactory performance**

- a. You are expected to perform all aspects of your job as well as you reasonably can.
- b. Examples of unsatisfactory performance include, but are not limited to:
  - (1) Lack of knowledge of the law.
  - (2) Unwillingness or inability to perform assignments.
  - (3) Failure to conform to standards established for your rank or position.
  - (4) Failure to take appropriate action.
  - (5) Failure to perform professionally.

10. **Endorsement of products and services**

- a. You may not, while on duty, recommend or suggest any product or service by brand name or provider, including tow services and attorneys.
- b. Nothing in this section prohibits you from stating a preference in the transaction of personal business.
- c. You must scrupulously avoid using your position with the city to endorse any organization, program, product, or service not approved and/or required in the performance of duty as defined by the City.

11. **Fees and rewards**

- a. You may only accept payments regulated by the City as a result of your employment with the City, except:
  - (1) Court-ordered restitution to you;
  - (2) Outside employment approved by the Chief.
- b. Compensation for court appearances
  - (1) If you are appearing (testifying or participating in a pre-trial conference) while on duty, you will be paid your normal salary.
  - (2) If you initiate a civil action from a duty-related incident, you would not normally be paid for your court appearance. Only the Chief or his/her designee may authorize an exception.
  - (3) We will not pay you for appearing in any non-duty related matter.
  - (4) If you have a subpoena to appear, while on duty, in a non-duty related matter, you must take time off (comp time, vacation).
  - (5) If you are appearing while off-duty outside of Lane County in a duty-related case, you will collect witness and mileage fees. Return these fees to the City, and submit an overtime request. Indicate the number of hours involved in the specific case. If you use a private vehicle and do not charge the city, you may keep the mileage fees.
  - (6) You may have to appear in a duty-related case from a previous law enforcement employer. If you are on-duty, you do not have to take time off to appear. If you are not on duty, we will not pay you. Submit a request for compensation to

that previous employer.

- c. The City recognizes an employee's right to file tort claims against third parties. This policy is not intended to abrogate that right. In addition, if you receive a recovery related to a workers' compensation claim, the distribution of the recovery between you and the City will be governed by state statute.

12. **Gifts, gratuities, or loans**

You may not solicit or accept anything of value when there is any connection between it and your employment without authorization from the Chief or designee. Refer to the City APPM and to the City of Eugene Employee Handbook for additional details, as well as for information regarding gifts to the department.

13. **Illness or injury reports**

- a. You may not misrepresent the facts of your illness or injury.
- b. You must inform your supervisor of any physical or mental condition that could affect your duty performance.

14. **Immoral conduct**

You must keep your personal and business affairs in keeping with the standards of the law enforcement profession. You may not participate in any conduct which impairs your ability to perform as our employee or which causes us to be brought into disrepute.

15. **Insubordination** (refer also General Order 101.1)

- a. You may not ignore or refuse to obey any lawful order of a supervisor. This includes orders relayed from a supervisor by a peer or person of lesser rank.
- b. You may not falsely tell others that an order originated from a supervisor if it did not.
- c. You may not engage in unprofessional or disrespectful conduct directed toward a supervisor by word or physical conduct.

16. **Integrity**

The public demands your complete integrity. The dishonesty of a single employee can impair public confidence and cast suspicion upon all of us. You must scrupulously avoid any conduct which might compromise your

integrity, that of your fellow employees, or the department.

17. **Judgment**

You are expected to use good judgment at all times. "Good judgment" is defined as those decisions and actions which a reasonable employee in similar circumstances would use or take, given the information you knew or should have known at the time.

18. **Neglect of duty**

- a. You may not read, play games, watch television or movies, or entertain yourself on duty unless it is duty-related. This rule does not apply if you are on an authorized break.
- b. You will not engage in personal business or any other activity which makes you neglectful or inattentive to duty.

19. **Political Activity**

Follow City policy and guidelines regarding political activity.

20. **Processing property and evidence**

- a. You must account for and properly handle all property or evidence entrusted to you by any person, even if you merely destroy it.
- b. You may not convert to your own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

21. **Prompt submission of reports**

- a. You must submit all your reports on time and in accordance with department procedures.
- b. Your reports must be truthful and complete. You may not knowingly report, or cause to be reported, any inaccurate, false, or improper information.
- c. If you become aware of an error in your report, correct it as soon as possible. If you become aware of an error in another employee's report, notify your supervisor. Supervisors will ensure that errors are corrected as soon as practical.

22. **Public statement**

- a. While on duty, or off duty and identifying yourself as a department employee, you may not publicly criticize or ridicule the department, its policies, or other employees by any expression, where what you say or write produces intolerable disharmony, inefficiency, dissension, chaos, or is without a factual basis.
- b. You must identify all your public statements as personal opinion, unless you are authorized to make official department statements.

23. **Request for assistance**

When any person requests assistance, or makes complaints or reports either by telephone or in person, obtain all pertinent information in an official and courteous manner, and act upon it judiciously, consistent with departmental procedures.

24. **Sleeping on duty**

- a. You must remain awake while on duty.
- b. If you are unable to remain awake, report to your supervisor, who will determine the proper course of action.

25. **Unbecoming Conduct**

- a. Police are the most conspicuous and accountable representatives of government. To the majority of the people, they are symbols of stability and authority, and represent individuals on whom they can rely.
- b. Your conduct will be closely scrutinized by citizens. You will not be allowed to discredit the department or the City. Nothing in this policy shall be interpreted to preclude you from exercising your rights as a citizen while you are off-duty.
- c. You must conduct yourself, at all times, both on and off duty, in a way that reflects favorably on the department.
- d. Unbecoming conduct which brings the department into disrepute, reflects discredit upon you as a member of the department, or impairs the operation or efficiency of the department or employee, is prohibited.

26. **Use of department resources**

- a. The resources of this department are those of the citizens of the community. You are charged with using those resources in the most effective manner possible. Other than in emergencies, you may use equipment only as it was designed to be used.
- b. You are responsible for all equipment we issue to you, and you must maintain it in proper order.
- c. You may use City-owned computers only in accordance with City policy, and may not use them to play games or for other personal entertainment.
- d. Internet access and use must comply with City policy.

27. **Use of intoxicants and medications**

- a. Refer to the APPM and any applicable labor agreement for additional information regarding prohibited conduct, testing, and standards.
- b. For this manual, except when stated otherwise, the term “intoxicants” includes alcohol and controlled substances. Medications prescribed for you are exempted if taken as prescribed.
- c. You must notify your supervisor if [you are taking any medications that have the capability to affect your ability to perform your duties.](#) ~~your duty performance may be affected by medication(s) you are taking, or if you are exceeding the recommended dosage.~~
- d. You may not use intoxicants:
  - ◆ while at work, except as necessary to perform your duties *and* specifically authorized by department policy;
  - ◆ while representing the City at an event or function (except as authorized by paragraph “h” below); or
  - ◆ while at City-owned or City-leased work sites.
- e. You may not operate a vehicle owned or leased by the City, or one rented with City funds, at any time proximate to consuming intoxicants.
- f. On Duty
  - (1) You must be mentally alert and physically responsive on duty. You may not, except as a necessary part of an official assignment, consume alcohol on duty or in uniform. You

must have your supervisor's authorization to do so.

- (2) Unless specifically authorized by a supervisor for job-related reasons, you may not report for normally assigned work or be at work:
  - (A) with a detectable odor of intoxicants (alcohol or drugs) on your breath;
  - (B) with any detectable amount of intoxicants (alcohol or drugs) in your body [residual legal substances remaining in urine excluded](#); or
  - (C) with any substance in your body which may impair your ability to work safely and efficiently.
- (3) We may require you to take a urine or blood test by a third party as a condition of employment, if we have a reasonable suspicion (as defined by Oregon law) that you have violated subsection (1) or (2) above.
- (4) If you unintentionally ingest, or are made to ingest, any alcohol, drug, or controlled substance while on duty you must immediately report the incident to a supervisor so that appropriate medical steps may be taken to ensure your health and safety, and an assessment can be made as to your ability to continue working.

g. Off Duty

- (1) You may, in conformance with law, consume intoxicants off duty, but only at times that guarantee you are not affected when you are scheduled to come to work. You may not use intoxicants in a manner which brings discredit on the department or on you as a member of the department.
- (2) If you are called in for unscheduled work, and you have consumed intoxicants, you must inform the command officer initiating the call-back. We will want to know how impaired you may be so we can determine whether or not you should report to work. This also applies to prescription drugs which can impair judgment or response times.

h. Off-site events

While attending off-site events paid for entirely or partially with City

funds (e.g., conferences, training), you may not consume intoxicants during hours for which you are being compensated. When you are on your own time, your consumption of intoxicants must be legal and moderate. Your behavior must be professional and must not reflect unfavorably on the department or the City.

28. **Vendors and contractors**

- a. We will not commit resources to a prospective contractor or vendor before we sign a contract.
- b. You may not use what you learn in the department for private gain by you or any other person or entity.
- c. You must keep confidential anything you learn that is confidential. Your personal feelings, motives, or the possibility of personal gain may not influence your decisions.
- d. You may not compromise your position by soliciting or accepting gratuities -- even where such activity might otherwise be considered an acceptable form of business negotiations outside the department.

29. **Truthfulness**

- a. As an employee, you may not knowingly, recklessly, or negligently convey or provide information which is dishonest, misleading, or a misrepresentation except as necessary in the course of conducting an investigation.
- b. You will truthfully answer any question asked by a supervisor or fellow employee that is related to your scope of employment.

30. **Personal mail**

You may not use the department's address to receive mail, except for inadvertent mailings which may result from your use of the department's address on DMV records, or mail from someone who may try to contact you and has only our address.

31. **Identification**

- a. Except when working an undercover assignment, or when circumstances exist that would jeopardize your safety, you will clearly state your name and badge number when requested by any person to do so. (For non-sworn personnel, it is sufficient to provide your first name and your badge number.)

- b. When feasible to do so, provide the person with one of your business cards.

JAMES R. HILL  
Chief of Police

DRAFT

**POLICY**

**306**

**EFFECTIVE  
DATE  
Draft**

# Eugene Police Department



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## Handcuffing and Restraints

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests. The proper use and application of a handcuffs and restraints can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy, and procedures for the proper use of these devices. This policy is intended to be used in a manner consistent with Policy 300 and other relevant department policies.

### 306.2 POLICY

The Eugene Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. A restraint device may be used in a department-approved manner when an officer deems it reasonable to restrain a violent or potentially violent person during the course of detention, arrest, and/or transportation.

### 306.3 AUTHORIZED RESTRAINT

Officers may only use a restraint device supplied or authorized by the Department.

### 306.4 USE GUIDELINES

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

- (a) If the officer and/or others are subject to harm due to the violent or potentially violent behavior of a person;
- (b) If it is reasonable to protect the person from his/her own actions that would place him/her in danger (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers), or to prevent damage to property.

#### **306.4.1 RESTRAINT OF PREGNANT PERSONS**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

### **306.4.2 RESTRAINT OF JUVENILES**

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

### **306.4.3 NOTIFICATIONS**

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

### **306.4.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

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

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

### **306.4.5 APPLICATION OF SPIT HOODS**

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for

impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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

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

#### **306.4.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **306.4.7 APPLICATION OF LEG RESTRAINT DEVICES**

Only those officers trained in the use of the restraint are authorized to employ it on a person. The following guidelines will be used when applying the restraint device:

- (a) The restraint device will be applied in a manner consistent with department training.
- (b) Absent a medical emergency, the person being restrained will remain restrained until the officer arrives at the jail or other facility, or until the person no longer poses a threat.
- (c) Once secured, the person should be placed on his/her side or in a seated or upright position, and should not be placed on his/her stomach for an extended period.
- (d) The restrained person should be constantly monitored by an officer while in the restraint. The officer will look for signs of labored breathing and, where practical, take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (e) Medical assistance will be obtained in those circumstances outlined in Policy 300.

#### **306.4.8 TRANSPORTING RESTRAINED PERSONS**

When transporting a person who has been restrained using a leg restraint device, officers will observe the following procedures:

(a) Restrained persons may be transported in a patrol unit. The person should be placed on his/her side or seated in an upright position and secured by a seat belt, when possible[C1]. The long lead of the restraint should be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground.

(b) If taken by ambulance/paramedic unit, the restrained person will be accompanied by an officer. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath him/her.

(c) Officers will inform the jail staff that the arrestee was restrained by use of the restraint device upon arrival at the jail.

### 306.5 Medical Considerations[C2]

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury or continuing pain, or who has been rendered unconscious. Based upon the 's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

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

### 306.6 REPORTING USE OF LEG RESTRAINT DEVICE

Anytime the leg restraint device is used, the circumstances requiring its use will be documented in the related report(s). The officer should include the following in the report:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's physical and physiological actions.
- (d) Any known or suspected drug use or other medical problems.



SERIES  
501

NUMBER  
1

EFFECTIVE DATE  
01-14-00

## GENERAL ORDER

SUBJECT

ARRESTS

DISTRIBUTION

All Personnel

ORIGINATING UNIT

POM

You are sworn to enforce municipal, state, and federal criminal laws, and should take enforcement action where appropriate and consistent with department policy. Information regarding detention and booking of prisoners is found in General Order 502.1.

### PART I - Responsibilities and Procedures for All Personnel

- A. Generally
- B. Securing prisoners
- C. Search incident to arrest
- D. Strip searches and body cavity searches
- E. Restraints
- F. Physical/mental states of concern
- G. Transport

### PART I - Responsibilities and Procedures for All Personnel

#### A. Generally

1. Arrest a person when you have probable cause to believe s/he has committed a crime, or when you become aware of a warrant for his/her arrest.
2. Once you arrest a person, you have five options:
  - ◆ release the person
  - ◆ cite the person before releasing him/her
  - ◆ book the person into jail
  - ◆ retain the person in a holding cell for another agency to retrieve
  - ◆ allow the person to post bail and then release him/her

[The arrest option you choose must be reasonable and necessary under the circumstances. A person's constitutional right to remain silent will not be considered when deciding wheather to arrest.](#)

3. You must secure arrestees, protect yourself by performing a "search incident to arrest", provide Miranda warnings as appropriate, and transport them to a proper facility as soon as possible.
4. You are responsible for any prisoner in your custody; you may not mistreat him/her.
5. Provide access to medical treatment for all prisoners who need, or claim to need, such care.

**B. Securing prisoners**

1. For officer safety, you should have at least two officers present before you attempt to take a person into custody.
2. In all cases, use the minimum amount of force necessary to complete the arrest.

**C. Search incident to arrest**

1. You may not intentionally violate the constitutional protections against unlawful search and seizure of citizens or suspects.
2. As soon as possible after a person has been arrested, you must search the person and his/her immediate available property. If you cannot search the person immediately after the arrest (usually because of officer or prisoner safety), search as soon as possible.

**D. Strip searches and body cavity searches**

1. Strip searches
  - a. A "strip search" is the search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any skin surface(s) generally considered to be personal, including genital areas, breasts, and buttocks.
  - b. Strip searches will be conducted in the field only with consent, under exigent circumstances, or where the lives of officers or others may be placed at risk. They will be conducted with as much privacy as possible.
  - c. When needed, strip searches will generally be done at the jail, and not at City Hall or other facilities.
  - d. If done, strip searches should be done by trained personnel in accordance with approved hygienic procedures and professional practices. They should be done in privacy and by an officer who is

the same gender as the suspect. A second officer should be present (preferably of the same gender as the suspect), but the search should be conducted with the fewest number of officers necessary.

2. Body cavity searches

- a. A “body cavity search” is a search involving the internal physical examination of body cavities and, in some cases, organs such as the stomach cavity.
- b. Body cavity searches will be done only by medically trained personnel pursuant to a search warrant.

E. Restraints

1. Do whatever is reasonably necessary to restrain the prisoner’s hands, legs, teeth, and mouth for the safety of officers, the public, and the prisoner.
2. Acceptable types of restraint devices include:
  - ◆ handcuffs
  - ◆ rope hobble
  - ◆ flex-cuffs
  - ◆ porous hood or mask (for those who spit)
  - ◆ flexible restraint device (FRD)
3. You do not have to handcuff a prisoner under any of these circumstances:
  - a. The prisoner has a medical or physical condition that prevents proper handcuffing. Other safe and appropriate restraints should be used.
  - b. The prisoner is under age 12 and you decide handcuffs are not necessary.
  - c. The prisoner is being transported for investigative reasons, provided that two officers are present.

F. Physical/mental states of concern

When you have a restrained prisoner in your custody, be alert to the following physical/mental states in him/her:

1. **Excited delirium/cocaine psychosis**, which may be indicated by rapid onset of paranoia followed by aggression toward objects, particularly glass,

and/or activities and perceptions which are clearly abnormal.

**2. Cardiac arrest**

3. **Positional asphyxia** can occur when a position of the body interferes with respiration, resulting in asphyxia.

a. Contributing factors causing the inability of a prisoner to move from a position which may potentially be fatal include:

- ◆ intoxication
- ◆ illness
- ◆ injury
- ◆ unconsciousness
- ◆ restraint or entrapment (e.g., hobbled and in a prone position)

b. Do not leave a restrained prisoner on his/her stomach for any significant period of time. If the person must be left in that position for a short time, you must continuously monitor him/her.

c. If you observe that a subject may be suffering from the symptoms of “positional asphyxia”, move him/her to a more comfortable position which allows respiration and immediately summon medical assistance.

G. Transport

1. Secure the prisoner in the patrol vehicle with a seat belt.

2. Do not handcuff the prisoner to any part of the vehicle.

3. If you anticipate possible problems with a prisoner, you may advise dispatch of your starting and ending mileage or arrange to be accompanied or followed by another officer.

4. If you need to transport a mentally ill person to the hospital, and s/he is so combative that it is unsafe to transport him/her in a police car, a medic unit can be requested for the transport if restraining the person on a stretcher would be safer. If this is done, a police officer must ride in the medic unit during transport. (Refer also General Order 308.12.)

JAMES R. HILL  
Chief of Police