

1010.10 DEADLY PHYSICAL FORCE

Index: Title; Deadly Physical Force Against Members; Firearms Policy; Force, Deadly Physical; Notification Procedures When Deadly Physical is Used Against Bureau Members; Reports – Requirements, Use of Deadly Physical Force; Review Board, Firearms Discharge; Shooting at or From Vehicles; Shooting, Cover Fire; Warning Shots

Refer: ORS 131.005 Probable Cause, defined
 ORS 161.015 Deadly Physical Force and Serious Physical Injury, Defined
 ORS 161.219 & 161.239 Use of Deadly Physical Force
 DIR 335.00 Performance Review and Use of Force Review Boards
 DIR 410.00 Injuries/Occupational Illness
 DIR 630.05 Vehicle Pursuits
 DIR 631.70 Investigations of Animal Problems
 DIR 640.10 Crime Scene Procedures
 DIR 910.00 Field Reporting Handbook Instructions
 DIR 1010.00 Application of Force
 Supervisor's Checklist (Detectives)
 Supervisor's Checklist Form (Detectives)

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POLICY (1010.10)**Sanctity of Life**

The Portland Police Bureau recognizes and respects the integrity and value of human life, and that the decision to use deadly physical force is the most important decision that a member will make in the course of his/her career. The use of deadly physical force will emotionally, physically and psychologically impact the member involved, the subject the deadly physical force was directed at, and the family and friends of both and can impact the community as well.

Incorporation of Application of Force Policy (1010.10)

This policy incorporates and is further governed by the policies outlined in the Application of Force DIR.1010.00.

Deadly Physical Force (1010.10)

The Portland Police Bureau recognizes that members may be required to use deadly force when their lives or the life of another is jeopardized by the actions of others. Therefore, state statute and Bureau policy provide for the use of deadly force under the following circumstances:

- a. Members may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury.
- b. A member may use deadly force to affect the capture or prevent the escape of a suspect where the member has probable cause to believe that the suspect poses a significant and immediate threat of death or serious physical injury to the member or others.
- c. If feasible, some warning has been given.

The use of statutorily defined deadly weapons, barricades and vehicle ramming, constitutes deadly physical force. Also, depending upon how they are used, flashlights, batons, body parts, and other statutorily defined dangerous weapons may constitute deadly physical force.

Members must be mindful of the risks inherent in employing deadly force, which may endanger the lives of innocent persons. A member's reckless or negligent use of deadly force is not justified in this policy or state statute. Members are to be aware that this directive is more restrictive than state statutes. Members of the Portland Police Bureau should ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by engaging in actions that are inconsistent with training the member has received with regard to acceptable training principles and tactics.

~~Guiding principles for the application of force, and Post Use of Force Medical Attention are outlined in detail in DIR 1010.00 /Application of Force.~~

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Shooting At a Moving Vehicle (1010.10)

For the purposes of this policy, a moving vehicle itself shall not presumptively constitute a threat that justifies the member's use of deadly physical force. The member using deadly physical force must be able to clearly articulate the reason for the use of deadly physical force. Members shall not discharge a firearm at a person(s) in a moving vehicle unless one or both of the following criteria are met:

- a. To counter an active threat of death or serious physical injury to the officer or another person, by a person in the vehicle using means other than the vehicle.
- b. There are no other means available at the time to avert or eliminate the threat.

Members threatened by an oncoming vehicle should attempt to move out of its path instead of discharging a firearm at it or any of its occupants.

In those cases where the criteria are met, Bureau members shall take into account the location, vehicular and pedestrian traffic and any hazard to innocent persons before discharging a firearm at a moving vehicle.

Additional Considerations (1010.10)

A moving vehicle may become an uncontrolled deadly weapon that could seriously injure or kill the occupants of the vehicle and/or subjects in its path if the driver becomes incapacitated before the vehicle comes to a stop.

Members must be mindful of the following when considering the use of deadly physical force involving a vehicle:

- a. Bullets fired at occupants of moving vehicles are extremely unlikely to stop or disable the moving vehicle.
- b. Bullets fired may miss the intended target or ricochet and cause injury to officers or other innocent persons.
- c. The vehicle may crash and cause injury to officers or other innocent persons if the bullets disable the operator.

- d. Moving to cover, repositioning, and/or waiting for additional responding units to gain and maintain a superior tactical advantage maximizes officer and public safety and minimizes the necessity for use of deadly physical force.
- e. Shooting accurately from a moving vehicle is extremely difficult and, therefore, unlikely to successfully stop or prevent a threat to the member or other innocent person.

These criteria do not allow members to use poor tactics or positioning as justification for discharging a firearm at a moving vehicle. An example of poor tactics would be a situation in which a member places him/herself into the path of a moving vehicle, and uses the danger he/she finds him/herself in as the sole justification for shooting at the vehicle. Tactics of this nature are prohibited.

Shooting From a Moving Vehicle (1010.10)

Members shall not discharge a firearm from a moving vehicle except:

- a. In the immediate defense from the threat of death or serious physical injury to the officer or another person.
- b. No other means exists at the time to avert or eliminate the threat.

Other Authorized Uses for Firearms (1010.10)

A member is also authorized to discharge a firearm in the performance of official duty under the following circumstances:

- a. To kill or deter a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering.
- b. At a firing range pursuant to all safety rules and regulations.
- c. The definition of cover fire is when a member discharges a firearm in a tactical situation to neutralize the use of deadly physical force. Cover fire is not intended to strike a subject, but is meant only to prevent subjects from taking action against the police or others, or entering or occupying locations. Cover fire can be dangerous and must be used with extreme caution. The Portland Police Bureau reviews the use of this type of cover fire, it judges its employees by the standard of reasonableness, and expects members to have balanced the risks against the benefits, and to have considered safety factors such as backdrop and penetration, as well as the effect on the incident dynamics.

Warning Shots (1010.10)

Members will not fire warning shots.

Destruction of Animals (1010.10)

Immediate supervisors will be responsible for investigating incidents where an animal was intentionally destroyed under the guidelines of DIR 631.70. This requirement does not prohibit a supervisor from requesting Detective Division (Detectives) assistance if the circumstances dictate such involvement.

Negligent Discharge (1010.10)

Detectives will respond and assume investigative responsibility for all negligent or unintentional discharges, except:

- a. At a Bureau authorized firearms range where no person was endangered by the discharge. In those circumstances, the Training Division (Training) will have responsibility for investigation and reporting.

Release of Information (1010.10)

The Bureau realizes that it is, in every situation, accountable to the public. Public accountability requires the Bureau to provide timely and complete information when members use deadly force. However, the Bureau must weigh the public's right to know with what is in the best interest of the investigation. As a rule, the Bureau will release, as soon as possible, accurate information which will not compromise an ongoing investigation or the potential prosecution of a suspect(s).

The Public Information Officer (PIO), who reports directly to the Chief of Police, will be called out to all use of deadly force incidents. As soon as possible, the PIO will coordinate with the Detective Division ~~sergeant~~ in charge of the investigation, ~~Detective Division command officers, other command officers as necessary, and~~ the on-scene representative of the District Attorney's office, to determine what information will be released. During the course of the criminal investigation, the Detective Division will coordinate the release of information through the PIO. The Chief of Police is ultimately responsible for approving information available for release.

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The Bureau also has a responsibility to ensure that citizens and, in particular, the family of citizens directly affected by the use of deadly force, along with members of the Bureau receive timely information. To provide timely and accurate information, the Detective Division may direct the Crisis Response Team (CRT) to assign a liaison to assist in providing information to members of the community directly affected by a use of deadly force. The CRT will not release information that has not been approved for release by the Detective Division and the District Attorney's office. Internal communication will be coordinated through the Chief of Police.

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As soon as possible, the PIO will release to the public the available information. Typically, the information will include:

- a. Nature of the call.
- b. Time of the call and member arrival.
- c. Number of members directly involved in the use of deadly force.
- d. Years of service of members directly involved in the use of deadly force.
- e. General information about the citizen(s) involved in the deadly force encounter.
- f. Other information as determined by the Detective Division and District Attorney's office.

The identity of the Bureau member(s) involved in the incident will be released after a minimum of 24 hours. In incidents involving the death of a Bureau member, or member of the public, the identity will be released with approval of the Detective Division and the Medical Examiner's office.

As is normal procedure, requests for documents, CDs and other public records will be processed through the Records Division.

The Bureau has an interest in providing the community with information in the days that follow the use of deadly force. The Detective Division will coordinate the release of information with Bureau command staff and the PIO's office. Public accountability requires that the Bureau provide updated information in a timely manner. Information that could jeopardize the integrity of the investigation or information needed to complete the criminal investigation or any pending prosecution will be withheld from the public.

PROCEDURES (1010.10)

Directive Specific Definitions

- a. Barricade: The intentional blocking/barricading of a roadway, by any means, to prevent passage of a pursued vehicle (per DIR 630.05).
- b. Communication Restriction Order: An order issued in writing during an investigation that restricts the involved member(s) from discussing the facts of the case. This restriction will be given in writing and will be lifted in writing.
- c. Deadly physical force: Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury (per ORS 161.015(3)).
- d. In-custody death: Occurs when a subject dies while under physical control of a member or dies while in police custody. Physical control includes the use of a Taser.
- e. Involved member: A member who is involved in the actual application of deadly physical force or a supervisor who directs another to use deadly physical force.
- f. Member: For purposes of this directive, the term member refers to any sworn member of the Portland Police Bureau. This includes reserve police officers.
- g. Negligent discharge: Any unintentional discharge of a firearm by a sworn member that is not due to equipment malfunction.
- h. On-scene briefing: A brief overview of the incident given to detectives or others as necessary, for the purpose of accurately processing the scene. An on-scene briefing may include but would not be limited to, the identification of the crime scene(s), the identification of other members present, the identification of potential witnesses, and the identification of evidence at the crime scene(s).

~~i. On-scene interview: A statement that an involved member will provide to a member of the Detective Division following the use or directed use of deadly force or an in-custody death.~~

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- ~~j.~~ Police action: Any circumstance(s), on or off duty, in which a member exercises official authority.
- ~~k.~~ Probable cause: A substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it (per ORS 131.005(11)).
- ~~l.~~ 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 (per ORS 161.015(8)).
- ~~m.~~ Walk-through: A briefing of the event provided by an involved member to a member of the Detective Division at the scene. The walk through will include the member identifying and describing the movements, locations and actions of the actors in relation to the physical environment. The member may confer with counsel prior to the walk-through.
- ~~n.~~ Warning shot: An intentional, unauthorized discharge of a firearm into the air, ground, or an inanimate object with the intent of gaining compliance by a suspect through shock or fear.
- ~~o.~~ Witness member: A member who observes, the events surrounding an in-custody death or the use of deadly physical force by another member, or has other material information. Final determination will be made by the Detective Division.

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Post Use of Force Medical Attention (1010.10)

When a person has been injured by the use of force by a Bureau member or there is a potential for injury to that person, a member shall continually monitor the subject, if tactically feasible or appropriate. EMS will be requested to respond if the injury requires medical attention. The member shall monitor the subject for changes in their skin and/or lip color, breathing and levels of consciousness. If any significant changes in any of these areas are observed, the member shall notify EMS immediately. See DIR 630.50 for further requirements.

Investigations and Reporting (1010.10)

The Police Bureau recognizes the importance of conducting a thorough, impartial and timely investigation into in-custody deaths and the use of deadly force by its members. The investigation into the events surrounding such incidents is of critical importance to the involved member(s), the Bureau and the community. It is the responsibility of all Bureau members to assist in these investigations for the purpose of determining justification as well as to identify any training and/or performance deficiencies. The Bureau also recognizes the impact these traumatic incidents have on its members and acknowledge the need to be sensitive when conducting the required investigation. Recognizing these dual responsibilities, the following procedures serve to meet both goals.

The investigation of all incidents involving the use of deadly physical force and/or the death of an individual in police custody will be the responsibility of the Detective Division.

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Communication Restriction Order (1010.10)

- a. A communication restriction order (CRO) will be issued in writing by the Chief or as delegated to a member of the Detectives' Homicide Detective Detail. Issuing a CRO will include:
 1. Providing a copy of the CRO to all witness and involved members before they leave the scene.
 2. Providing a copy of the CRO to a Detective Homicide Detail supervisor.
- b. Documenting that the CRO was issued, and to whom.
- c. Union representatives shall not communicate to either involved members or witness members what has been told to them by an individual they are representing.
- d. The CRO generally will continue until the conclusion of the Grand Jury or, if no Grand Jury is held, until a disposition is entered by the District Attorney. The CRO may be extended. Reasons for the extension may include:
 1. For purposes related to the Administrative Review.
 2. While the case is under review by another law enforcement agency (i.e., FBI civil rights review, outside agency, etc.).
 3. The decision to extend the CRO will be made on a case by case basis, at the direction of the Chief of Police.
- e. Members not involved in a deadly force or in-custody death incident, shall not communicate with a member who has been designated as an involved or witness member, about factual aspects of the investigation at hand, unless authorized to do so and until the involved or witness member is no longer under a CRO.
- f. Members may speak with Traumatic Incident Committee (TIC) members. Members should avoid directly discussing factual aspects of the incident with TIC members, as the TIC members are directed to steer the conversation away from the facts and focus instead on the emotional issues confronting the member(s).
- g. Separation of all witness and involved members is necessary in order to safeguard the integrity of the investigation. If the number of individuals to be physically separated is so great to be impractical, a supervisor or detective will be posted to ensure that no communication regarding the incident takes place.

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Duties and Responsibilities When Deadly Physical Force is Used or an In-Custody Death Occurs inside Portland during a Police Action (1010.10)

On-Scene Interview (1010.10)

To ensure the safety of the public by obtaining timely and accurate information, an On-Scene Interview will be provided by members that are

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witness to or are involved in the use or direct the use of deadly force. The purpose of the interview is to provide responding officers, supervisors, and investigators with an overview of the incident so that they may apprehend suspects, render aid to citizens, identify witnesses, identify a crime scene, preserve evidence, communicate with the public about the incident, or any other information as may be required.

The involved member will be allowed a reasonable opportunity to confer with an attorney or union representative prior to providing the On-Scene Interview, except in the case of an immediate threat to the safety of a member or the public.

The On-Scene Interview will include, as appropriate, the following questions:

At the time and to the best of your knowledge:

- a. Approximately where were you standing when you fired your weapon?
- b. In what direction was your direction of fire and what was your backstop?
- c. Was anyone injured? If so where are they located?
- d. Are there any outstanding suspects? If so what are their descriptions and what is the direction and mode of travel? How long have the suspects been gone?
- e. What crimes are the suspects wanted for? What weapons are the armed with?
- f. Are there any witnesses to this incident, and where can they be located?
- g. Does any evidence need to be protected?
- h. What are the boundaries of the scene?
- i. In general terms, understanding a more thorough review will occur later, what threat or circumstance prompted the use of deadly force?
- j. Other questions designed to provide a general description of the event and serve the purposes set out in the definition of an On-Scene Interview.

If the involved supervisor directed the use of deadly force the supervisor will identify which member(s) were directed to use deadly force.

Member Responsibilities (1010.10)

- a. Following a use of deadly force or an in-custody death, all members at the scene or with knowledge of the incident as soon as practical will notify the on-scene supervisor and advise them of the member's role in the incident (i.e., witness member, involved member, assisted at the scene).

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Involved Members Responsibilities (1010.10)

- a. The member will first notify an on-duty supervisor at the precinct of occurrence, as well as his/her own supervisor, if assigned to a precinct or division other than the precinct of occurrence. The notifications will take place as soon as possible.
- b. The member, unless injured, will remain at the scene until released by an on-scene supervisor. The release from the scene must be approved by the Homicide Detail sergeant.

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- c. The member will provide an On-Scene Interview to a member of the Detective Division.
- d. Involved members will not drive a vehicle immediately following the incident.
- e. The involved member may participate in a voluntary interview conducted by detectives at a time scheduled by the Detective Division supervisor. The interview will be subject to the following provisions:
1. Internal Affairs investigators may be present at the interview with Detectives.
 2. The member will waive his/her Garrity rights prior to the interview.
 3. Reasonable efforts will be made to avoid asking redundant questions.
 4. If a Mobile Audio Video (MAV) recording was produced as part of the incident, the involved member will be allowed to view the recording prior to the interview, in the presence of the member's counsel, as well as Detectives and Internal Affairs investigators. In this circumstance the interview will be conducted within 24 hours of the member viewing the video.

Witness Member Responsibilities (1010.10)

- a. Witness members will make it known to the on-scene supervisor if they are a witness to the incident (as defined) or assisted at the scene. The notification will take place as soon as possible.
- b. All witness members, unless injured, will remain at the scene until released by the Homicide Detail sergeant. Witnesses will not be held at the scene any longer than necessary.
- c. Witness members, if requested, are required to give an on-scene briefing to any supervisor and/or a member of the Detective Division to ensure that victims, suspects, and witnesses are identified, evidence is located and provide any information that may be required, for the safe resolution of the incident, or any other information as may be required.
- d. Witness members will not discuss the incident with any other person other than their immediate supervisor, RU manager, and detectives, prior to the conclusion of their investigative interview. Members will not discuss the incident with anyone other than those covered in the Communication Restriction Order once it is issued, until the Communication Restriction Order is removed.
- e. Witness members shall submit to an interview prior to going off shift. If injured, the witness will be interviewed when medically stable.
 1. Witness members may have a union representative present during this interview.
 2. Exceptions must be limited to those situations where the number of witnesses or the complexity of the crime scene make it necessary for the investigators to obtain additional details of the incident prior to beginning an interview.
 3. Those exceptions must be approved by the Detective Division Commander.

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. . . e. . . The member will be provided time to discuss the incident with his/her immediate supervisor, RU manager, union representative, and private attorney. Members will not discuss the incident with anyone other than those covered in the Communication Restriction Order once it is issued, until the Communication Restriction Order is removed.¶

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First Arriving Supervisor Responsibilities (1010.10)

a. After complying with Directive 640.10 (secure scene and render first aid), complete the following:

1. Advise BOEC of their assumption of Incident Command.
2. Separate all witness and involved members. If the number of individuals to be physically separated is so great to be impractical, a supervisor or detective will be posted to ensure that no communication regarding the incident takes place.
3. Ensure that a single entry point into and out of the scene is established and advise BOEC of its location.
4. Ensure that a Crime Scene log is maintained at the entry point.
5. Make required notifications.
6. Provide to the Detective Division supervisor and/or other supervisor as necessary, the location and identity of civilian witnesses, location of evidence and boundaries of the scene.
7. Provide briefings to precinct or division command officers.

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b. Required notifications, in the following order:

1. Detective Division Homicide Detail Sergeant (up team).
2. Forensic Evidence Division (Forensics).
3. Appropriate precinct or division lieutenant and commander. This would include the precinct of occurrence if the involved member is from a precinct or division separate from that of the occurrence.
4. Public Information Officer (PIO).
5. EAP Coordinator.

c. Ensure witness and involved members weapons are retained in their holsters pending weapon examination by responding detectives.

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On-Scene Precinct or Division Lieutenant Responsibilities (1010.10)

- a. Obtain briefing from first arriving supervisor
- b. Assume Incident Command following briefing and notify BOEC of assumption of command.
- c. Coordinate with Detective Division supervisors and command officers to assure scene integrity, identification of involved and witness members, identification of civilian witnesses, and outer perimeter security, delegation and assignment of resources, and other duties as necessary.
- d. Brief Precinct or Division command officers.

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Precinct or Division Commander Responsibilities (1010.10)

a. The precinct or division commander will notify the appropriate Branch chief and/or the Chief of Police.

- b. Obtain on-scene briefing from supervisor or lieutenant.
- c. Assume command as appropriate following a briefing and notify BOEC of assumption of command.

Detective Division Homicide Detail Responsibilities (1010.10)

a. The Detective Division Homicide Detail will be responsible for all investigative duties of an in custody death and a deadly force incident, to include the following:

1. Completion of the Investigative Report.
2. Scene sketches.
3. Diagrams.
4. Evidence processing.
5. Interviews of involved members and supervisors.
6. Interviewing witnesses.
7. Issuing communication restriction orders.

8. May conduct an On-Scene Interview and/or Walk-through as needed.

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Homicide Detail Sergeant Responsibilities (1010.10)

- a. Make required notifications:
 1. Detective Division Command.
 2. On-call detectives.
 3. District Attorney's office.
 4. Medical Examiners office.
 5. Forensic Evidence Division, and ensure that criminalists are responding to the scene.
- b. Request assistance from the East County Major Crime Team.
- c. Respond to the scene and assume responsibility for the crime scene after receiving a briefing from the on-scene commander.
- d. Obtain a list of all involved and witness members and their role in the incident from the on-scene supervisor.
- e. Obtain from the on-scene supervisor any suspect information, the location and identity of civilian witnesses, the location of evidence and the boundaries of the crime scene.
- f. May conduct an On-Scene Interview and/or Walk-through as needed.
- g. Make investigative and scene processing assignments.
- h. Ensure the appropriate checklists are used and case notebooks are prepared.
- i. Ensure that the communication restriction orders are issued.
- j. Ensure that all weapons have been examined, documented, as appropriate and ensure that the member is supplied with a replacement weapon by Training, if appropriate.
- k. Meet with the Detective Division command officer or other Bureau command officers to determine what information regarding the incident can be released to the media and when the release can be made.
- l. Supervise the investigation.

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Detectives Responsibilities (1010.10)

- a. Conduct a complete and thorough investigation of the incident. That investigation will be used to determine justification for the use of

- deadly physical force, as well as to identify any training or policy concerns regarding the member's actions.
- b. Conduct interviews of all witness and involved members and use the interview checklists, ensuring all applicable areas are covered. All interviews wherein material facts of the case are discussed will be tape-recorded in its entirety.
 - c. May conduct an On-Scene Interview and/or Walk-through as needed.
 - c. Interview civilian witnesses and attempt to tape-record their statement.
 - d. Ensure that his/her reports include detailed information related to any weapons involved, all shots fired and each shot's trajectory and point of impact (if determinable) and any injury or damage to property.
 - e. Collect and submit all weapons involved in a deadly force incident, including SERT weapons, to the Oregon State Crime Lab for appropriate testing, documenting their condition as found to include serial number, rounds in chamber, and number of rounds in each magazine.
 - f. Complete a Summary Report and case notebooks to include all transcripts of all taped statements.
 - g. Submit all cases involving intentional use of deadly force, in-custody deaths and negligent discharge resulting in injury to another, to the District Attorney's office for review.

Detective Division Commander Responsibilities (1010.10)

- a. The Detective Division commander or other Detective Division command officer will assume overall command of the investigation and assignment of Detective Division resources as necessary. The Detective Division commander or designee will also meet with precinct or division command officer(s) to assure the investigation is coordinated. The responsibility may be assumed by a Branch Assistant Chief as needed.
- b. The Detective Division command officer will also work with the Homicide Detail detective sergeant to coordinate the release of information to the media. The Detective Division command officer will provide this information to the Chief of Police, Branch Assistant Chiefs, other Bureau command officers and the PIO as necessary.

Internal Affairs Responsibilities (1010.10)

- a. Internal Affairs investigators will be present at the Detective interview with the involved member.
- b. If a Mobile Audio Video (MAV) recording was produced as part of the incident, prior to the interview, the involved member will be allowed to view the recording in the presence of the members counsel, as well as Detectives and Internal Affairs investigators. Under this circumstance the interview will be conducted within 24 hours of the member viewing the video.

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Chief of Police's Responsibilities (1010.10)

- a. The Chief of Police will make the appropriate notification to the Commissioner in Charge and the Deputy City Attorney.

Duties and Responsibilities when Deadly Force is Used or an In-Custody Death Occurs Outside Portland During a Police Action by a Bureau Member (1010.10)

- a. Involved member.
 1. Notify the jurisdiction of occurrence.
 2. Notify your supervisor.
- b. Supervisors.
 1. Supervisors will make notification as required of the on-scene supervisor.
- c. Detective Division Homicide Detail.
 1. Respond to the scene, if feasible.
 2. Serve as the Bureau liaison.

Duties and Responsibilities when Deadly Force is Used Against a Bureau Member in the City of Portland (1010.10)

This will be treated in the same manner as deadly force used by a member, for notification purposes.

The Detective Division will be notified in all cases and will assume investigative responsibility.

Use of Deadly Force or an In-Custody Death inside Portland by a Member From Another Jurisdiction (1010.10)

If such police action results in the use of deadly physical force against a person or an in-custody death occurs, the Bureau will normally be the investigating agency. Detectives will be responsible for the investigation.

The on-scene supervisor will ensure that an on-duty supervisor of the police officer's agency is notified. Unless there is some immediate need to seize weapons, the involved members will be allowed to keep his/her weapon(s) until his/her agency supervisor arrives. Upon arrival, the agency supervisor will take custody of the firearm and, if necessary, surrender it to the investigator.

In order to enhance community understanding of situations, the Precinct Commander and Branch chief will be notified so that they may determine the need for community notification and information dissemination.

First Arriving Supervisors Checklist for Deadly Force or In-Custody Death (1010.10)

- a. Upon arrival at the scene, and as soon as practical and safe after the use of deadly force has occurred, the supervisor will:
 1. Determine the condition of all involved members and injured citizens, and ensure medical treatment is provided. If ambulance transport is required, ensure that an uninvolved member is assigned to accompany the injured member or citizen to the hospital (in the

- ambulance). If an involved member is injured, requires treatment and does not require ambulance transport, an uninvolved member should be assigned to transport the involved member to an appropriate facility.
2. Establish a perimeter, staging area and a single entry point into the scene and broadcast this information on the radio.
 3. Separate all witness and involved members. If the number of individuals to be physically separated is so great to be impractical, a supervisor or detective will be posted to ensure that no communication regarding the incident takes place.
 4. Make notifications:
 - a) The Detective Division Homicide Detail Sergeant (up team).
 - b) Forensic Evidence Division (Forensics).
 - c) The appropriate precinct or division commander. This would include the precinct of occurrence if the involved member is from a precinct or division separate from that of the occurrence.
 - d) The PIO.
 - e) The EAP Coordinator.
 5. Ask each member on scene what his/her role was in the incident (involved member, witness member, assisted at scene), and document on a log sheet. Instruct the involved members and witness members to not discuss the incident among themselves or with any other person, except their immediate on-scene supervisor, union representative and private attorney, prior to being interviewed by a detective.
 6. Maintain integrity of witness and involved members weapons. If holstered, ensure it is retained there pending weapon examination by responding detectives. Weapons not still in custody of the member, but still in the crime scene, will be left as evidence if the situation is stable and safe to do so.
 7. Unless injured, do not release involved members and witness members from the scene without the approval of a Homicide Detail Sergeant.
 8. Assign an uninvolved member to drive each involved member. Witness members may drive themselves. Whenever practical, each involved member and witness member should be transported in a separate vehicle.
 9. Instruct the involved members, witness members and drivers that upon release from the scene they will do the following:
 - a) Proceed to the Detective Division or other location as directed.
 - b) Involved members and witness members, prior to changing out of the clothes worn at the time of the incident, must confer with the Homicide Detail Sergeant.
 - c) The assigned criminalists, at the direction of the lead detective, will collect all evidence including involved members' uniform and all outer clothing (including duty belt) and retain as

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evidence until instructed otherwise by the lead Detective of the investigation. This instruction should be relayed to any uninvolved member that accompanied an injured involved member to the hospital.

d) Exceptions will be authorized by the Homicide Detail Sergeant.

10. Instruct members and witness members to remain at the Detectives until instructed otherwise by the lead detective or they are released from Detectives with the approval of the Homicide Detail Sergeant.

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detectives in order to ensure that the scene is processed properly.

- d. All witness members will be afforded all rights guaranteed under the United States and State of Oregon Constitutions and the benefits of the current labor agreement throughout the investigation.

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