



Approved:
Chief Marcia Harnden

Subject:

120. Policy Manual

Effective:
September 8, 2017

Revised:
June 24, 2020

CALEA Standards: 1.2.7, 4.3.4, 12.2.1,
12.2.2, 26.1.1

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120.1: PURPOSE AND SCOPE

The manual of the Albany Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

120.2: POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

120.2.1: DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Albany Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Albany Police Department reserves the right to revise any policy content, in whole or in part.

120.4: AUTHORITY

- a. The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws.

- b. The Chief of Police will ensure that the Policy Manual is reviewed annually and updated as necessary.
- c. The Staff shall review all recommendations regarding proposed changes to the manual.

120.4.1: GENERAL ORDERS

The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

120.5: DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - A person 18 years of age or older.

C.F.R - Code of Federal Regulations

Child Welfare - Department of Human Services, Child Welfare.

City-The City of Albany

Department/APD - The Albany Police Department

DHS- Department of Human Services

DMV - The Department of Motor Vehicles

Employee/Personnel - Any person employed by the Department.

GO – Abbreviation for “General Order”

Juvenile- Any person under the age of 18 years.

Manual- The Albany Police Department Policy Manual

May- Indicates a permissive, discretionary or conditional action.

Member- Any person who is employed or appointed by the Albany Police Department, including sworn officers, civilian employees, and volunteers.

OAR- The Oregon Administrative Rules

Officer/Sworn- Those employees, regardless of rank, who are sworn employees of the Albany Police Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order- A written or verbal instruction issued by a superior.

ORS- The Oregon Revised Statutes

OSP- The Oregon State Police

Rank - The job classification title held by an officer.

Section – A specific policy contained within the Policy Manual

Shall or Will- Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis of failing to conform.

Staff – Term which refers to the Chief of Police and Division Captains

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation. When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor

USC-United States Code

120.6: ISSUANCE OF POLICIES

- a. An electronic copy of the Policy Manual will be made available to all employees on the department network for viewing, downloading, and printing. No changes to the manual shall be made without authorization from the Chief of Police or his/her designee.
- b. All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective.
 - 1) Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.
 - 2) Members are responsible for keeping abreast of all Policy Manual revisions.
- c. Each Division Captain will ensure that members under his/her command are aware of any Policy Manual revision.

120.6.1: PUBLIC ACCESS TO POLICY MANUAL

The Albany Police Department voluntarily provides public access to the Policy Manual. The Policy Manual is accessible to the public via the police department's website. The forward-facing software allows the public to view the department policies in real time. Public access to the Policy Manual is partially redacted due to operational need. The printing of documents is discouraged in order to maintain their current form of existence.

120.7: POLICY REVISIONS

- a. All proposed policy changes will be disseminated to the command staff for review prior to issuance. The Command Staff includes: Chief of Police and Captains. The command staff will review proposed orders and policies and return comments to the Accreditation Manager for documentation and dissemination of revisions.
- b. New content will be added in the appropriate section within the policy manual as determined by the Accreditation Manager. Any removal or revisions of policies will be documented in PowerDMS and on a spreadsheet maintained by the Accreditation Manager for the purpose of tracking policy changes.
- c. Members wishing to suggest policy revisions shall forward those suggestions, in writing, to their Division Captain for staff review.

120.8: POLICY REVIEW

- a. The Policy Manual will be reviewed annually at the direction of the Chief of Police.
- b. Policies will be assigned to appropriate department members based on knowledge and expertise. The assigned members will review the policies and report any discrepancies or suggest revisions as needed. The policies will be processed through the policy revision procedure (Policy 120.7).
- c. The annual policy review will be documented by the Accreditation Manager in PowerDMS.