



Oregon

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April 20, 2021

The Honorable Chris Gorsek, Co-Chair
The Honorable Janeen Sollman, Co-Chair
Joint Committee on Ways and Means, Public Safety Subcommittee
900 Court Street NE
H-170 State Capitol
Salem, OR 97301-4048

Dear Co-Chairs and Public Safety Subcommittee Members,

Please find our responses below to questions asked during our testimony on April 19, 2021 regarding HB 5028:

- **Question** - Rep Sollman: *Do you have a list of reasons for fatal crashes?*

**Answer: Below is the list of Top 10 errors of drivers in fatal crashes during 2018:
(Source: 2018 Oregon Motor Vehicle Crash Summary, ODOT Crash Analysis Unit)**

<u>Driver Error</u>	<u>OSP Fatal 5 Enforcement Category</u>
1. Driving too fast for conditions	Speed
2. Ran off road	Lane Safety
3. Driving on wrong side of road	Lane Safety
4. Inattention	Distracted Driving
5. Failed to yield right-of-way	Lane Safety
6. Exceeding posted speed	Speed
7. Failure to negotiate curve	Lane Safety
8. Failure to yield to pedestrian	Lane Safety
9. Failure to maintain lane	Lane Safety
10. Straddling/driving in the wrong lane	Lane Safety

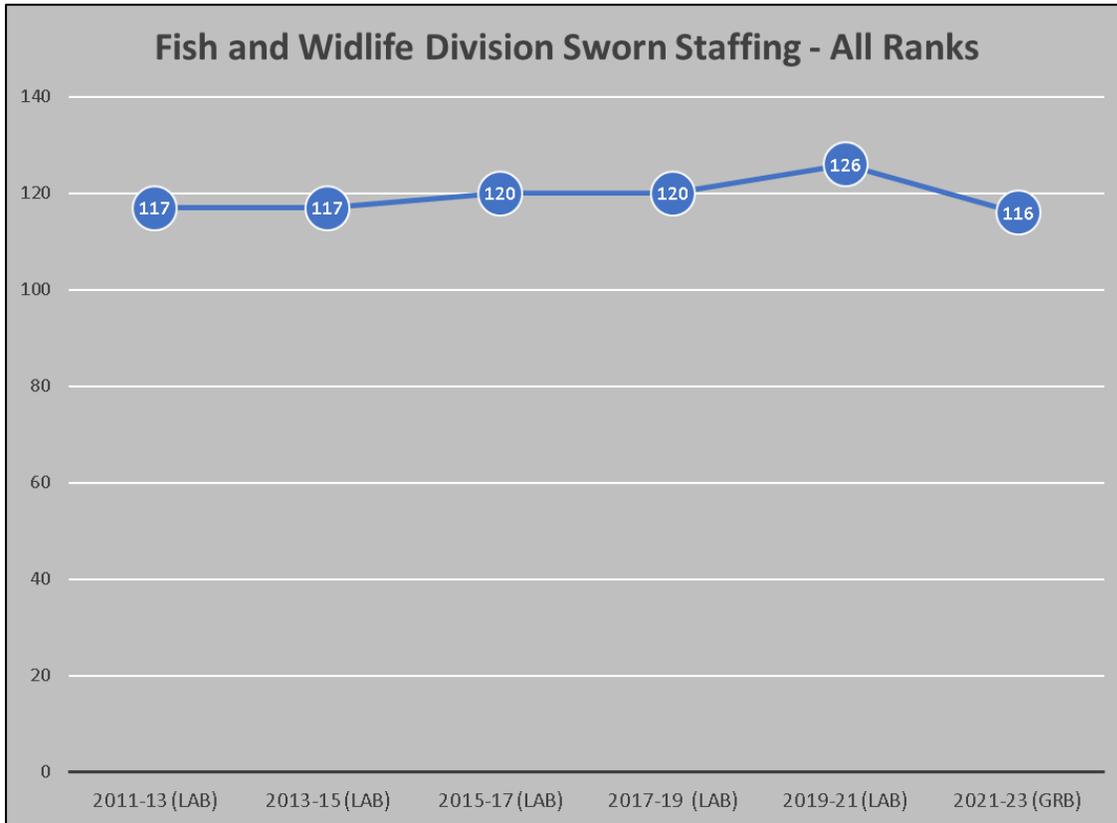
*Alcohol was a contributing factor in nearly 30% of driver errors leading to a fatal crash.

- **Question** - Sen Hansell: *Where are the planes in the Fish and Wildlife Division Aviation Unit Located?*

Answer: Baker City, Bend, Central Point, and Salem

- Question - Sen Gorsek: *Does the trend for the Fish and Wildlife Division look the same as the Patrol Division?*

Answer: The chart below shows the total number of Fish and Wildlife Division sworn members since the 2011-13 Biennium. Also, the table below shows the number of sworn members (Fish and Wildlife Division) by rank:



**Oregon State Police
F&W Division - Budgeted sworn positions**

Sworn Classification	2011-13 LAB (Adopted)	2013-15 LAB (Adopted)	2015-17 LAB (Adopted)	2017-19 LAB (Adopted)	2019-21 LAB (Adopted)	2021-23 Gov Budget
Trooper	94	94	97	97	102	92
Sergeant	17	17	17	17	18	18
Lieutenant	5	5	5	5	5	5
Captain	1	1	1	1	1	1
Total	117	117	120	120	126	116

- Question - Rep Sollman: *Does OSP have a policy on the safe storage of firearms?*
Answer: We have several policies on firearms (attached are copies of those policies). With respect to a specific policy regarding the safe storage of firearms, it is something we discuss as an agency and state in policy 500.3 (Semi-Automatic Rifle Program), Section II(C) that every member is “responsible for the safe storage, carry and deployment of the weapon according to their training.”

However, we believe the safe storage of all Department-issued firearms is a critical issue for the safety of our troopers, their families, and communities throughout Oregon. As such, we began the process of developing a more robust policy (500.12) specifically dealing with the safe storage of firearms several months ago. The current status of the policy is we have a draft completed and are in the process of reviewing it.

- Question: Sen Prozanski: *Could you provide a breakdown of the turned-around times for Blood vs. Urine analysis requests?*
Answer: The average time from evidence log-in at lab to a published toxicology report is 37.4 days. A shortage of admin staffing is causing an additional 4.2-day average delay from officer submission of Form-49 until evidence logged in LIMS at the lab.
For the last six months Oct 2020 – March 2021 (including admin delays):
 - a. Total TAT for Tox antemortem (urine) was 42 days.**
 - b. Total TAT for antemortem Blood Alcohol was 54 days.**
 - c. Total TAT for postmortem Blood Alcohol was 78 days.**
 - d. Total TAT for all other Post-Mortem TOX disciplines was 89 days.**



DEPARTMENT OF STATE POLICE

FIREARMS TRAINING AND QUALIFICATIONS

Effective Date: February 19, 2015	Supersedes Date: June 1, 1996	Policy Number: 402.2
Reference/Laws/Statutory Authority: ORS 181.280		
Applies to: <input type="checkbox"/> All Personnel <input type="checkbox"/> All Management <input checked="" type="checkbox"/> Sworn Personnel <input type="checkbox"/> Non Sworn Personnel <input type="checkbox"/> Other <input type="text"/>		
Issuing Authority: Superintendent of State Police 		No. Pages 2

I. Purpose

All sworn employees will participate in an ongoing training and qualification program with their assigned weapons, and other firearms authorized for use in Department related activities.

II. Policy

1. Sworn employees must meet the minimum firearms training standards set forth by the Department as prescribed for their assignment. Failure to meet these standards may result in notification of the employee's supervisor.
 - i. Exceptions to any mandatory training or qualification standard will be approved by the Superintendent's office on a case-by-case basis.
2. The Rangemaster(s) will be in command of training sessions (regardless of rank).
3. Violations of safety rules or disobedience of instructor directions may subject the employee to removal from the training and notice will be sent to the Office of Professional Standards.

4. Those employees physically incapable of participating and successfully completing the training due to a temporary disability, military deployment or other approved absence will be required to meet minimum firearms standards prior to returning to duty.
5. Weapons authorized by the Department for duty use, including those personally owned, shall not be altered or fitted with non-authorized equipment.
6. Only ammunition which has been Department approved may be used by employees (includes both duty and practice ammunition).

III. Rules

[ORS 181.280](#)



DEPARTMENT OF STATE POLICE

Personally-Owned Secondary Weapons

Effective Date: March 9, 2021	Supersedes Date: August 7, 2000	Policy Number: 500.2
Reference/Laws/Statutory Authority: ORS 181.280; Policy 402.2 (Procedure 1.B)		
Applies to: <input type="checkbox"/> All Personnel <input type="checkbox"/> All Management <input checked="" type="checkbox"/> Sworn Personnel <input type="checkbox"/> Non Sworn Personnel <input checked="" type="checkbox"/> Other <input type="text" value="Evidence Technicians and Supervisors"/>		
Authorizing Authority Signature: Superintendent of State Police		No. Pages 3

I. Policy

As an additional safety measure, sworn employees may carry personally-owned firearms subject to the procedure outlined in this policy.

For the purpose of this policy, a "personally-owned secondary weapon" is a personally-owned handgun, which may be used only in the event the approved primary weapon is no longer available or functional.

Nothing in this policy relieves the sworn employee of the requirement to carry the issued service weapon consistent with Department policy and procedure while on duty.

II. Rules

- A. No sworn employee is permitted to carry a personally-owned secondary weapon while on duty prior to completing the qualification procedures outlined in this policy.
- B. The carrying of a personally-owned secondary weapon is strictly optional.

- C. Approval of a personally-owned secondary weapon is restricted to one weapon per sworn employee.

- D. If the sworn employee chooses to carry a personally-owned secondary weapon for which the Department does not regularly stock ammunition, ammunition for the personally-owned secondary weapon will be supplied by the sworn employee. If the sworn employee chooses to carry a personally-owned secondary weapon for which the Department regularly stocks ammunition, the employee may use ammunition from that stock.

III. Procedure

- A. The personally-owned secondary weapon and ammunition may be of the sworn employee's choosing, with the following restrictions:
 - 1. The caliber of the weapon may be no larger than 10mm/.40 caliber and may not be smaller than 9mm/.380 caliber.
 - 2. All ammunition must be a "factory standard." No reload or hand load ammunition will be approved.
 - 3. The weapon must be completely concealed at all times unless specifically authorized by a supervisor.

- B. Each employee who chooses to carry a personally-owned secondary weapon must display competency with the weapon, as well as the weapon's reliability at a Department sponsored qualification under the direction of a Department Rangemaster as follows:
 - 1. The employee shall qualify in a specific course of fire as prescribed by the Training Section and approved by the Superintendent.
 - 2. The weapon shall be fired with the same type and brand of ammunition as the employee intends to carry while on duty.
 - 3. If the weapon is a semi-automatic, the Rangemaster shall ensure it is equipped to allow a round to be carried safely in the chamber.
 - 4. Each sworn employee who chooses to carry a personally-owned secondary weapon must qualify with that weapon once per calendar year during trimester firearms training.
 - 5. The employee must holster the personally-owned secondary weapon in a

holster with sufficient retention to prevent the firearm from being dislodged under most circumstances. If the holster is an ankle holster, the holster must have an active retention device, such as a thumb snap or an ejection port lock. The holster must be evaluated by a Rangemaster at the trimester firearms training at which the sworn employee attempts to qualify using the personally-owned secondary weapon and approved by the Rangemaster if the Rangemaster deems the retention sufficient.

C. Recording approval of a personally-owned secondary weapon:

1. Once a weapon has been approved according to subsections 2 and 3 of this procedure, the brand, caliber, and serial number of that firearm shall be documented using ArmorerLink (My Profile, C4 My Privately-Owned Firearms), or the Department's subsequently adopted electronic firearm tracking system. The firearms instructor will document the member qualified with the weapon using the same electronic firearm tracking system. This qualification is good for the period of 1 year.
2. A sworn employee wishing to change the secondary weapon they are authorized to carry must again follow the requirements of these procedures.



DEPARTMENT OF STATE POLICE

SEMI-AUTOMATIC RIFLE PROGRAM

Effective Date: August 4, 2015	Supersedes Date: February 1, 2002	Policy Number: 500.3
Reference/Laws/Statutory Authority: Policy 402.2; 500.8		
Applies to: <input type="checkbox"/> All Personnel <input type="checkbox"/> All Management <input checked="" type="checkbox"/> Sworn Personnel <input type="checkbox"/> Non Sworn Personnel <input type="checkbox"/> Other <input type="text"/>		
Issuing Authority: Superintendent of State Police		No. Pages 2

I. Purpose

The purpose of this policy is to establish standards and training requirements for Sworn employees to carry and deploy a Department semi-automatic rifle and the plate carrier vest. This policy does not apply to SWAT Team members when engaged in SWAT operational activities.

II. Policy

A semi-automatic rifle and a plate carrier vest will be issued to designated sworn employees. Sworn employees are required to attend and qualify at a Department approved training course. Designated employees must meet the annual minimum firearms training standards prescribed by the Training Section to be authorized to carry and use the weapon.

- A. Only Department issued semi-automatic rifles, magazines and ammunition are authorized for use.
- B. Maintenance and cleaning of the semi-automatic rifles will be conducted in accordance with Department established instructions.
- C. Sworn employees issued a semi-automatic rifle are responsible for the safe storage, carry and deployment of the weapon according to their training.
- D. Each sworn employee issued a Department semi-automatic rifle is responsible for the proper maintenance of the weapon. Any defects or malfunctions encountered during cleaning, or through use of the weapon, should be promptly reported

through the proper chain of command to the OSP rifle program coordinator in the Training Section.

- E. Only Department semi-automatic rifle armorers are authorized to alter or repair the Department's semi-automatic rifles. No additional equipment or modifications will be added to or made to a Department semi-automatic rifle other than those approved by the OSP rifle program coordinator and performed by, or under the direction of, a Department semi-automatic rifle armorer.
- F. Deployment of the plate carrier vest.
 - 1. A plate carrier vest will be deployed with the semi-automatic rifle, unless circumstances dictate a rapid deployment of the weapon.
 - 2. A plate carrier vest will be deployed on all pre-planned tactical high-risk events including a search warrant.
 - 3. Sworn employees may deploy without a plate carrier vest under extreme circumstances/conditions depending on the tactical situation.
 - 4. A plate carrier vest will not be worn during routine enforcement patrol and contacts.
 - 5. When a carrier vest is deployed Patrol and Fish & Wildlife Division employees will wear the plate carrier vest over their uniform.
 - 6. Criminal Division employees will deploy with a tactical vest that provides the best level of ballistic protection available, and includes the mandatory equipment contained on a plate carrier vest.
 - 7. Sworn employees will carry a plate carrier vest in their vehicle in a manner where the vest will be readily available.

III. Definitions

- A. **Medical Kit** – A pouch that is worn on the exterior of the plate carrier vest, which contains issued medical supplies.
 - 1. The medical kit will consist of the following items:
 - a) One package of quick clot;
 - b) One tourniquet;
 - c) One large gauze pad;
 - d) One pair of medical scissors;
 - e) Miscellaneous medical supplies.
- B. **Plate Carrier Vest** – A vest that is issued by the Department for a sworn employee to wear when deploying a semi-automatic rifle.

1. The plate carrier vest will consist of the following mandatory equipment:
 - a) One medical kit, with the scissors located behind the medical pouch;
 - b) Two semi-automatic rifle magazine pouches
 - c) An OSP Badge or "POLICE" tag on the front, left panel of the vest;
 - d) A name tag on the front, right panel of the vest;
 - e) A "State Police" or "State Trooper" patch on the back panel of the vest.
 - f) Two (2) Issued plates, one in the front and back of the vest.

	Department of State Police	<p>CHAPTER: 500.6 SUBJECT: CARRYING FIREARMS REVISED: January 8, 2007 SUPERCEDES: August 7, 2000 PAGES: 2</p>
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POLICY

Because of the nature of law enforcement, sworn employees must be ready at all times to take action under the authority of a peace officer.

RELATED LAWS/REFERENCES

ORS Chapters 181.120, 181.130, and 181.280. Department Manual Chapters 300.1, 402.2, 500.2, 602.1, 702.1, and 800.8, 18 U.S. Code §926B and §926C (HR 218, 2004), Title 49, §1544.219 CFR.

RULE

1. Sworn employees are required to carry a Department issued firearm when on duty, including assignments in civilian attire.
2. Sworn employees are exempt from the above requirement only when:
 - A. They were not issued a firearm by the Department;
 - B. Their supervisor grants an exception because of unusual circumstances;
 - C. When participating in training where firearms are prohibited;
 - D. When in facilities where firearms are prohibited;
3. HR 218, 2004 (Federal) permits qualified sworn officers in good standing to carry concealed handguns nationwide when also carrying a valid commission card.
 - A. Department issued firearms and ammunition shall not be taken out of state without prior authorization from the Superintendent's office unless the member is on official assignment.

- B. Members who elect to carry personal firearms out of state need to be aware of the use-of-force laws and potential liabilities of the state(s) where the firearm is being carried. Although HR 218 allows police officers to carry concealed firearms out of state, members are reminded that they do not have any law enforcement authority outside of Oregon.
- C. HR 218 addresses the carrying of concealed weapons by sworn officers. HR 218 does not exempt off-duty sworn officers from possessing firearms in places such as airports, commercial airlines or other locations where firearms are otherwise prohibited by Federal, state or local law and it does not exempt sworn officers, whether active or retired, from state and local firearm registration laws.

PROCEDURE

1. From time to time, it may be necessary for on-duty members to carry weapons aboard commercial aircraft in the course of their official duties. Prior to carrying a weapon aboard a commercial aircraft, members shall do the following:
 - A. Comply with all of the relevant provisions of Title 49, §1544.219 of the Code of Federal Regulations.
 - B. Receive from the Superintendent's office, a letter authorizing the carrying of a weapon aboard a commercial aircraft.

NONE



DEPARTMENT OF STATE POLICE

Firearms Storage

Effective Date: Month [XX], XXXX	Supersedes Date: N/A	Policy Number: 500.12
Reference/Laws/Statutory Authority: ORS; OAR; Dept. Manual, Other rules or regulations, Policies, Rules, and Procedures.		
Applies to: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> All Management <input type="checkbox"/> Sworn Personnel <input type="checkbox"/> Non Sworn Personnel <input type="checkbox"/> Other <input style="width: 600px; height: 20px;" type="text"/>		
Authorizing Authority Signature: Superintendent of State Police		No. Pages

I. Purpose

The purpose of this policy is to provide guidance and direction to sworn employees on the safe storage of Department issued firearms when the employee is off duty.

II. Policy

Public safety is the primary mission of the Oregon State Police. Sworn employees of the Department are issued and subsequently trained on the safe use of multiple firearms that may be needed to fulfill the Department's mission. Firearm safety is not restricted to when an officer is on duty. As such, it is the Department's policy that the off duty storage of Department issued firearms will promote public safety and prevent intentional or unintentional non-authorized use.

III. Definitions

- A. Non-Authorized Use: Use of a Department firearm by someone other than a Department employee or in a manner that is inconsistent with Department policy or expectations.

IV. Procedures

None

V. Rules

- A. Department firearms storage when off duty at the employee's residence or off duty during employment-related travel:

1. Firearms will be stored utilizing one or more of the following methods:
 - a. Secured in gun vault, if installed in the employee's patrol vehicle;
 - b. Secured in trunk or, if applicable, locked glove box of patrol car;
 - c. Secured in gun safe or similar locked area with access limited to the employee or others authorized by the employee; or
 - d. When using commercial lodging, storage of Department firearms is allowed within the employee's room; however, during time periods when the employee is not present in the room and cleaning staff is expected, alternatives a through c above will be utilized.
2. Trigger Locks
 - a. For Department firearms storage at the employee's residence, trigger locks may be used in addition to or in lieu of the above storage methods.
 - b. Access to the mechanism for removing the trigger lock must be limited to the employee.
 - c. Trigger locks will be made available to employees through the Department stockroom.
- B. When off duty at a location other than those listed in Rule A above, Department firearms will be stored in a way that maximizes personal and public safety.