

Memorandum of Agreement (MOA)
By and Between The City of Gresham,
Through its Police Department and Fire Department,
And the Gresham Police Officer's Association
And the Gresham Professional Fire Fighters, IAFF Local 1062
Re: SWAT Medics

This MOA is between the City of Gresham (CITY), by and through its Police Department (GPD) Gresham Fire and Emergency Services (GFES), and the Gresham Police Officer's Association (GPOA) and the Gresham Professional Fire Fighters International Association of Fire Fighters Local 1062 (LOCAL 1062), both unions representing employees of their respective departments in the City of Gresham. This MOA is made with the purpose of delineating responsibility, expectations, limitations, liability protections and identifying protocols in relation to the paramedic members (SWAT Medic) of the East Metro Special Weapons and Tactics (SWAT) Team.

TERMS AND CONDITIONS

1. RECOGNITION

SWAT medics are employees of GFES. SWAT Medics are represented by the collective bargaining agreement (CBA) of Local 1062. The SWAT Medics shall be governed by the policies and procedures of GFES, the Standard Operating Procedures (SOPs) of the SWAT team, specific GPD General Orders, which are identified below in this MOA, the CBA between the City and Local 1062, and the City Administrative Rules. SWAT Medics perform the duties of both police officers and fire medics when operational with the SWAT team, the police officer duties they perform is GPOA work. Due to SWAT Medic's special training, knowledge and expertise, all parties to this MOA believe that it is in the best interest of the CITY and SWAT team involved employees to have specially trained SWAT Medics as part of the SWAT team for the safety and health of the SWAT team and the CITY.

2. AUTHORITY

The SWAT Medics shall be sworn reserve police officers of the GPD. SWAT Medics will have Reserve Police Officer authority only when they are deployed as a SWAT Medic and are under the control of the GPD SWAT command. The SWAT Medics have no police powers at any other time while on or off duty.

Once a SWAT Medic is no longer a member of the SWAT team, their Reserve Police Officer Commission is automatically rescinded and the former SWAT Medic shall immediately return all equipment, badges and identification related to the SWAT team and their former status as a Reserve Police Officer.

3. TRAINING

Training will be conducted by the CITY, through the SWAT team. Records of the training will be kept at the GPD for all personnel associated with the team. If at any point in the future the Department on Public Safety and Standards (DPSST) requires a certification process for reserve police officers, the City, through GPD will be responsible for filing the appropriate paper work and reporting the appropriate training for the SWAT Medics.

3. TRAINING (CONT)

Initial training provided by the GPD to new SWAT Medics will include training on the following items and GPD General Orders (GOs):

Basic Handgun Training

- GO 1.1 Department Mission and Objectives
- GO 1.5 Oath of Office and Law Enforcement Code of Ethics
- GO 4.06 Use of Force
- GO 4.16 Arrest, Transport and Temporary Detention
- GO 4.27 Firearms Procedure-Handguns
- GO 4.32 Public Recording of Law Enforcement
- GO 4.33 First Amendment Assemblies

At least once every calendar year, refresher training will be provided to the SWAT medics on the following GPD General Orders (GOs):

- GO 4.06 Use of Force
- GO 4.16 Arrest, Transport and Temporary Detention
- GO 4.27 Firearms Procedure-Handguns

Other annual training provided to the SWAT Medics at least once per calendar year will include Oregon Revised Statutes on Use of Force. Additionally, training will be provided to the SWAT Medics on current applicable court decisions in relation to detention, arrest, and searches that would apply to the tasks SWAT Medics are assigned or could be involved in. At least once per calendar year appropriate training in Defensive Tactics and at least four (4) times per calendar year appropriate firearms training will be provided to the SWAT Medics by the GPD. Additional training for the SWAT Medics will be provided at the discretion of the CITY.

4. COMPLAINTS

Complaints of misconduct against SWAT Medics while they are operational with the SWAT team will be dealt with in the same way that any complaint of misconduct against a GPD employee would be dealt with. Therefore, SWAT Medics involved in misconduct complaints relating to their SWAT Medic duties will be investigated in accordance with GPD misconduct complaint policies. However, final decisions on discipline of SWAT Medics will be made by the Fire Chief after consultation with the Police Chief.

5. USE OF DEADLY FORCE

In the event a SWAT Medic is involved in an officer involved shooting (OIS), or the use of deadly force during a SWAT operation, the SWAT Medic shall be treated the same by the CITY as would a full time sworn police officer. This would include legal representation by the CITY for actions in the course and scope of their assignment, and offering of Peer Support services. This will also include representation by the GPOA, in conjunction with Local 1062 during any investigation related to the OIS or use of force. Close coordination between GPD, GFES, GPOA and Local 1062 will take place to meet the needs of the SWAT Medic in these situations.

LEGAL DEFENSE INSURANCE

The City agrees to provide and pay for the same PORAC Legal Defense Insurance plan, provided to regular GPOA represented members, to SWAT Medics from Local 1062.

6. SELECTION PROCESS

The CITY will conduct the testing for SWAT Medic positions as outlined in the SWAT SOPs Chapter 8.00. A background investigation of applicants will include a Criminal History Check and Law Enforcement Data System check to ensure that the SWAT Medic applicant is not prohibited from carrying a firearm.

Once selected and assigned to be a SWAT Medic, if performance deficiencies are identified with any SWAT Medic, efforts will be made by the SWAT team leadership, and GPD to correct the deficiency. Notice of performance deficiencies of a SWAT Medic will also be given to the Fire Chief and Local 1062. If the appropriate performance deficiency correction is not made by the affected SWAT Medic the CITY, through coordination between the Chief of Police and Fire Chief, may remove the SWAT Medic from the SWAT team.

It is Agreed this 21ST day of SEPT, 2017.

On behalf of the City of Gresham



Erik Kvarsten
City Manager

On behalf of the Gresham Police Department



Robin Sells
Chief of Police

On behalf of the Gresham Fire Department



Greg Matthews
Fire Chief

On behalf of the Gresham Police Officer's Association



Matthew Fagan
President

On behalf of the International Association of Fire Fighters Local 1062



Kevin Larson
President