



DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Speech and Expression	Effective Date: January 21, 2025	Policy Number: 6.60
Accreditation Reference:	Review Date: January 21, 2028	Supersedes: November 21, 2024
Attachments: DCSO Political Activity Memo	 Kent van der Kamp, Sheriff	

I. PURPOSE

Pursuant to ORS 181A.689 this policy applies to all types of speech, communication or expression made by a certified member of this agency, whether on or off duty, including but not limited to film, video, print media, public and private speech and use of Internet services including but not limited to electronic mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums and video, file-sharing sites, Facebook, Twitter, Instagram, YouTube, Snapchat, Reddit, Tumbler and LinkedIn. For purpose of this policy, the term "personal communications" shall be used to refer to the above types of communications, speech or expression.

II. POLICY

Inappropriate personal communications may negatively affect agency operations, performance of duties, maintenance of discipline by supervisors and working relationships with outside partners and stakeholders. Inappropriate personal communications in some instances may amount to an abuse of authority and may have harmful effects on a member's perceived integrity or bias towards others. Members should be aware that unlike a personal oral communication or phone call, electronic communications such as email, social media and blogs are likely to remain in the public domain and may have a detrimental effect on the officer or agency in the future.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law.

DCSO may access all information in a public online forum at any time without notice, and disciplinary action, up to and including termination, could result if a member's personal communication's that are found on a public online forum violate agency policy.

A violation of any portion of this policy may result in discipline, up to and including termination. Members are advised that specific types of speech, such as speech advocating racism, excessive force or discrimination are likely to result in discipline and/or de-certification.

III. COMMUNICATIONS – REPRESENTING THE AGENCY

The Sheriff, as the elected head of the agency, is responsible for approving all agency communications. Members may engage in the following activities as private citizens or as authorized representatives of a labor organization, but may not represent the Agency or identify themselves in any way that could be reasonably be perceived as representing the Agency when engaging in these communications:

- (a) The endorsement or support of, or opposition to any political campaign or initiative.

(b) The endorsement or support of, or opposition to any social issue, cause or religion.

(c) The endorsement or support of, or opposition to any product, service, company or other commercial entity.

(d) The appearance in any publication or any motion picture, film, video, public broadcast or on any website without permission of the Sheriff.

IV. POLITICAL ACTIVITY AND SPEECH

A notice of restrictions regarding on-duty political activities by members will be posted and maintained by the agency in a place that is conspicuous to all members as required by law (ORS 260.432). Members retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off duty.

Members may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office.

Members are allowed to display signage of a campaign or political nature on their residential property where a Sheriff's Office vehicle may be parked.

Additional guidance about political activity and speech is in the following link: [DCSO Political Activity Memo](#).

V. PERSONAL COMMUNICATIONS THAT IMPACT THE AGENCY

A. Communications Advocating Racism or Racial Supremacy

ORS 181A.688 provides "Racism has no place in public safety. Law enforcement officers hold a unique position in our community and must demonstrate principles of equity, transparency, honesty and trust with all members of society. Membership or participation in hate groups, racial supremacist organizations or militant groups erodes public trust in law enforcement officers and community safety. Participation in racist organizations and displays of symbols of racism or racial supremacy are at odds with the position of trust and authority law enforcement officers occupy in our community."

Engaging in racism, belonging to or participating in racist organizations, hate groups or militant groups, and displaying symbols of racism or racial supremacy by a member is conduct that has a clear and direct nexus to the agency and the member's employment, as clearly stated by the Oregon Legislature. As a result, speech, communications or expressions supporting or advocating these behaviors negatively impacts the agency and is prohibited.

B. Communications Advocating Serious Misconduct

ORS 181A.681 defines specific types of serious misconduct that certified deputies have a duty to stop if safe to do so, and which must be reported to the chain of command: Unjustified or excessive force; sexual harassment or sexual assault; discrimination based upon a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability or age; or commission of a crime.

Accordingly, there is a direct nexus between these behaviors and employment as a certified deputy. Any speech, communication or expressions that support or advocate these behaviors negatively impacts the agency and is prohibited.

C. Using Confidential Information in Personal Communications

A member shall not post, publish, transmit, share or disseminate any documents, records, photographs, videos, reports, or other information in a personal communication if the information meets the following criteria:

- The member has access to it solely because of their employment;
- The information is confidential to the agency or otherwise restricted from disclosure.

D. Other Personal Communications

A member may not use their agency email address to register for any accounts used for personal communications.

Members should consider carefully the implications of their speech, communications or any other form of expression when using the Internet. Personal communications can provide materials for impeachment, and could potentially result in a Brady v. Maryland finding by a prosecutor.

VI. PERSONAL COMMUNICATIONS USING AGENCY TECHNOLOGY IS NOT PRIVATE

Members who engage in personal communications using agency technology lose any expectation of privacy in the speech and the information becomes a public record subject to disclosure. This includes e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Snapchat, Tik Tok) that is accessed, transmitted, received or reviewed on any agency technology system or that is otherwise public. The Agency reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the agency.

The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through agency technology. Users are also subject to DCSO Policy 4.31 Computer, E-Mail and Mobile Computing Device Use. See Social Media, DCSO 4.34 for specific guidance about use of social media.

Violation of this policy may result in discipline, up to and including termination.