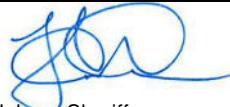




# DESCHUTES COUNTY SHERIFF'S OFFICE

---

Policy Title: <b>Sheriff's Office Standards</b>	Effective Date: March 30, 2022		Policy Number: <b>1.02</b>
Accreditation Reference: 1.4.5, 1.5.5, 1.7.2, 2.1.8	Review Date: March 30, 2025	Supersedes: October 29, 2021	Pages: 15
Attachments:	 L. Shane Nelson, Sheriff		

## I. PURPOSE

The purpose of this policy is to provide the members of the Deschutes County Sheriff's Office with clearly articulated expectations of their performance relative to employment with this agency.

## II. POLICY

As most law enforcement work is necessarily performed without close supervision, the responsibility for the proper performance of a deputy's duty lies primarily with the deputy sheriff themselves. A deputy carries with them a responsibility for the safety of the community and their fellow deputies. They discharge that responsibility by the faithful and diligent performance of their assigned duty. Anything less violates the trust placed in them by the people, and nothing less qualifies as professional conduct.

In the performance of their duty to serve society, Sheriff's Office members are often called upon to make difficult decisions. They must exercise discretion in situations where their rights and liabilities and those of the office hinge upon their conduct and judgment. These decisions are not easily made, and occasionally they involve a choice that may cause them hardship or discomfort. A deputy must be faithful to their oath of office, the principles of professional law enforcement service, and the objectives of the Sheriff's Office; and in the discharge of their duty they must not allow personal motives to govern their decisions and conduct.

## III. DEFINITIONS

*Affirmative Effort* means to self-initiate acceptable ways to comply. In other words, look for ways to comply with the standard and not look for the exceptions to the standard.

## IV. EXERCISE OF LAW ENFORCEMENT AUTHORITY

Except when identification is obvious or impractical, deputies shall identify themselves by displaying their official identification before taking law enforcement action. The reason for law enforcement contact shall be shared with involved parties unless it is unsafe or impractical to do so or if it would compromise the successful completion of the case or contact.

### A. Duty to Intervene

Deputies who witness what they reasonably believe to be misconduct (excessive use of force, sexual harassment or sexual misconduct, discrimination based on race, gender, religion, sexual orientation,

national origin, disability or age, or a crime), by any law enforcement officer must intervene to prevent or stop the misconduct, unless the intervening deputy cannot intervene safely. Members shall report to a supervisor or an individual in the deputy's chain of command as soon as practical or no later than 72 hours after they witnessed the misconduct. If the supervisor receiving the report does not have authority to direct an investigation into the alleged misconduct, they shall forward the report to someone who has the authority as soon as practical or no later than 72 hours after receiving the report.

All investigations into alleged misconduct under this section must be completed within three months, unless particular circumstances prevent it.

## **B. Responsibility of On-Duty Deputies**

### **1. On-Duty, Within County, Fully Responsible:**

On-duty deputies within the county, after considering the tactical situation, are to take all steps reasonably necessary and consistent with their assignment to effect the enforcement of the penal provisions of the county, state, to protect life and property.

### **2. On-Duty, Outside of County, Fully Responsible for County Matters:**

On-duty deputies outside of the county who become aware of a situation requiring law enforcement action must first consider the tactical situation, and then take all steps reasonably necessary on law enforcement matters of direct concern to this agency.

However, on-duty deputies outside the county who are not acting within the scope of their employment as deputies on matters of direct concern to the office are to give first consideration to causing the appropriate action to be effected by the responsible law enforcement agency.

Such deputies shall then act only after consideration of the tactical situation and of their possible liability and that of the office.

## **C. Responsibility of Off-Duty Deputies**

1. Under Oregon law, both on- and off-duty deputies have peace officer authority as to any public offense committed in their presence. Off-duty deputies, both inside and outside of the county, are to defer to and when appropriate, assist the responsible law enforcement agency. Such deputies shall then act only after consideration of the tactical situation and of their possible liability and that of the County.
2. Deputies who are off-duty, either in uniform or not in uniform, and in their personal vehicle shall not stop or arrest any traffic offender.

## **D. Outside of State**

1. Peace officer powers of deputies do not extend beyond this state except as provided for in the Uniform Act on Fresh Pursuit.
2. Deputies who are outside the boundaries of this state for extradition or other matters of direct concern to the agency should not engage in law enforcement activities unless necessary in the performance of their duties as agents of the agency, and then only after consideration of the tactical situation.

## **V. ATTENDANCE & ASSIGNMENT EXPECTATIONS**

Members shall report for duty at the time and place designated by assignment or orders, and shall be physically and mentally fit to perform their duties.

They shall be properly equipped for the performance of duty. Judicial subpoenas and administrative notices shall constitute an order to report for duty under this section.

Members who are in doubt about the nature or detail of assignments shall seek clarification from the supervisor giving the assignment. The inquiry shall take place in a private conversation unless the situation and time limitations dictate otherwise.

#### **A. Reporting for Duty/Residential Requirements**

Deputies are often called upon to report or return to duty on short notice. For this reason, Deschutes County Sheriff's Deputies are required to reside in such a location that will ensure they will be able to report to their assigned office within 60 minutes of being called at their residence.

Those deputies living outside Deschutes County are prohibited from driving Sheriff's Office vehicles to and from their residence unless authorized by the Sheriff or designee. The deputy is required to leave their assigned vehicle at the Bend Sheriff's Office or one of the outlying stations, i.e. La Pine, Sisters, or Terrebonne.

#### **B. Post or District Assignments**

Deputies are not to leave an assigned district or post without supervisor approval and the knowledge of those deputies who would expect their assistance in an emergency.

#### **C. Reporting Absence or Lateness Prior to Duty Time**

When sickness or unforeseen circumstances prevent a member from reporting for duty as scheduled, the member shall notify his immediate supervisor as soon as possible prior to duty time. If the immediate supervisor is not available, the member shall notify the on-duty shift supervisor or deputy designated to be in charge of the shift. All attempts shall be made to directly contact the supervisor before messages are to be left.

#### **D. Absence from Duty**

A member, who fails to appear for duty on the date, time, and place specified without authorization, is "absent without leave."

1. Members absent without leave for three consecutive days shall be considered to have abandoned their job as of the last day of active employment and may be terminated for just cause.
2. Absences of one day or less shall be reported in writing by the member's supervisor to the Division Commander.
3. Absences without leave in excess of one day must be reported in writing to the Sheriff via chain of command.
4. Members finding themselves in a situation which is beyond their control and mitigating circumstances prevents notifying their supervisor as soon as practical, shall submit, in writing, any evidence of mitigation. Retroactive leave can be granted by the Division Commander to reconcile the absence, if warranted.

#### **E. Feigning Illness or Injury**

Fraudulent or deceitful use of sick leave may result in the discipline of the member so involved, including suspension or termination of employment.

#### **F. Reporting During Illness or Injury**

When off-duty due to illness or injury, members shall, unless circumstances dictate otherwise, contact their division supervisor daily to report their condition, progress or recovery, and may, upon request, be required to provide a medical report as allowed by law.

The supervisor can excuse members from reporting. If the member is unable to make the necessary report, the supervisor may make reasonable inquiries to determine the member's condition and availability for work.

#### **G. Neglect of Duty**

With the exception of breaks, members shall not read non work-related materials, play games, watch television or movies or otherwise entertain themselves while on duty, except as may be required in the performance of duty. Members may, however, engage in these or similar activities if required for training or investigative purposes.

Members shall not engage in any activities nor conduct any personal business that would cause them to neglect or be inattentive to duty, or bring discredit on the agency or member. Members shall remain alert

while on duty. If unable to do so, they shall report to their supervisor who shall determine the proper course of action.

#### **H. Relief**

All members are to remain at their assignment and on-duty until they are relieved by their replacement or until relieved by a supervisor. If in doubt, the member will seek clarification from his immediate supervisor. Any extension of shift will be authorized by a supervisor if one is on-duty.

#### **I. Meals and Breaks**

Members, **if given the autonomy of selecting their own work breaks**, shall not consistently take such breaks at times when it fails to promote the most effective and efficient flow of work going on at the time.

Members may take meals and breaks in accordance with the current collective bargaining agreement. With the exception of corrections staff who must remain in the jail facility, members may take meals at their homes, if homes are within their assigned duty area.

If the member's home is not within their assigned duty area a supervisor may approve leaving the assigned duty area for meals depending upon response time back to the member's duty area. Members are subject to recall to duty in case of a legitimate need or emergency.

Members, when in uniform, shall not spend more than their allotted meal period in a restaurant when on-duty and not more than thirty minutes when off-duty. This does not apply to meetings or other functions that a member attends as a representative of the Sheriff's Office.

#### **J. Loitering**

All members on-duty or in uniform shall not enter theaters or other amusement places except to perform law enforcement functions.

Members who are off-duty shall not disrupt the activities of on-duty personnel. Deputies may eat meals in restaurants licensed to serve liquor; however, uniformed deputies should exercise discretion when doing so.

## **VI. UNIFORMS & APPEARANCE**

### **A. Personal Grooming and Hygiene**

All members shall be neat appearing, well groomed, and clean in their person and manner of dress. Members shall maintain their teeth, hair and body in a clean and healthy state to the best of their ability. Fingernails will not be of such length as to impair the performance of the member's assignment.

### **B. Hair Styles, Facial Hair**

1. Hair must be clean, neat, and combed. Members are required to style their hair in such a manner as to not interfere with the wearing of headgear, masks, or other specialized equipment. Accommodations will be considered for religious and cultural reasons.
2. Hairstyles for female sworn members: hair must be no longer than the horizontal level of the bottom of the elbow while assuming a normal stance. Hairstyles for male sworn members: hair must not extend below the top edge of the uniform collar while assuming a normal stance.
3. Dyed, tinted or bleached hair must be within a naturally occurring color range, and be professional in appearance.
4. In an effort to ensure a professional hairstyle is maintained, hair styles commonly referred to as "man buns," "Mohawks," "mulletts," "punk," and other alternative hairstyles are not authorized.
5. Members may have mustaches if they are kept neatly trimmed. Mustaches shall not extend below the bottom portion of the lower lip and shall not extend beyond the natural hairline of the upper lip. All mustache hair shall be neatly trimmed to be no longer than one half inch in length.
6. Sideburns shall be neatly trimmed and shall not exceed more than a quarter-inch below the bottom of the earlobe and trimmed with a horizontal line. This does not apply with a beard.

7. All members shall ensure facial hair is clean and neatly trimmed. A member's compliance is subject to supervisors review and nonsworn or plainclothes members may be allowed exceptions by the Sheriff.

**Goatees:** Classic style goatees are authorized. All goatee facial hair shall be trimmed to be no longer than one half inch in length. All goatees shall be trimmed and not extend past the neck and jawline intersection. Goatees shall conform to the natural arch of the mouth.

**Beards:** Beards are authorized. All beard hair must be neat and clean and trimmed to have no portion longer than the other and all must be less than one half inch in length. All beards will be clean shaved below the neck and jawline intersection.

All members with facial hair must keep a means readily available to facilitate shaving of facial hair in case an emergency situation arises that would require need for personal protective equipment such as respirators. All personnel assigned to a role or position that requires the donning of respirators on short notice must ensure facial hair is kept to a style that allows for an appropriate face mask seal at all times.

All other facial hair styles, not explicitly recognized are not authorized, these include, but not limited to, "chin beards, soul patches, tufts of facial hair, mutton chops," and other alternative styles.

Growth of facial hair should be started during a period of absence from duty such as a day off rotation or vacation, to not give the appearance of being unshaven while on duty.

All members assigned to a position that may be considered undercover are exempt from grooming standards in the Personal Appearance Standard policy per the discretion of the Sheriff.

The Sheriff or designee can order the facial hair shaved off at their discretion if they deem the appearance is out of policy or for the purpose of conducting agency business in specific professional settings such as a court appearance, press conference, or deposition.

8. Civilian members shall wear their hair in a style that will not create a safety hazard or would be repugnant to the general public.
9. Hairstyles or facial hair shall be contemporary but not conspicuous by its extreme nature.
10. Certain members, because of their assignment, may seek exemption from these regulations from the Sheriff.

Any member reporting for duty showing evidence of violation of this section shall be sent home by their immediate supervisor to correct the deficiency. The supervisor will forward a written report through the chain of command. Supervisors will make spot inspections of members to assure compliance.

### **C. Jewelry and Tattoos**

1. Sworn female members may wear stud type earrings only. Non-sworn female members are authorized to wear earrings through the ears that protrude no more than one inch below the ear lobe, present a professional, non-offensive or discriminatory image and do not constitute a potential safety hazard. Males are not approved to wear earrings unless assigned to undercover type operations.
2. No other body piercing, body piercing jewelry, plugs or gauges may be visible while on duty.
3. Items of personal jewelry will be prohibited if they detract from the effectiveness, safety or professional appearance of a member.
4. Tattoos or other body art must not be visible while on duty or representing the agency in any official capacity. Exceptions will be at the discretion of the Sheriff.

### **D. Body Piercing or Alteration**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Sheriff. Such body alteration includes, but is not limited to:

1. Tongue splitting or piercing.
2. The complete or transdermal implantation of any material other than hair replacement.

3. Abnormal shaping of the ears, eyes, nose or teeth.
4. Branding or scarification

#### **E. Appearance in Uniform**

Uniforms shall be worn as prescribed by agency procedures. Uniforms shall only be worn while conducting Sheriff's Office duties. Except for brief incidental tasks, uniforms shall not be worn while conducting personal business. Appropriate uniforms will be determined by the division commanders. Uniforms shall be kept neat, clean (which includes shined shoes at the beginning of each shift at least), and without wrinkles when reporting for duty. If the uniform is soiled during the shift it shall be changed as soon as practical. (Also see [Policy 8.02, Uniforms: Standards and Classes](#))

Members in uniform are prohibited from intentionally obscuring their name, agency patch or other markings that would identify them as a DCSO deputy.

## **VII. PERFORMANCE EXPECTATIONS**

Members shall display an affirmative, consistent effort to observe and comply with the mission, oath of office, code of ethics, directives, rules, policies, procedures, practices and traditions established for the effective, efficient, and safe operations of this agency.

This standard applies to policies, procedures, and practices that are written as well as those established by past patterns or practices.

Members shall willfully display competent performance and consistently achieve competent performance results on all assigned or assumed job responsibilities, duties and tasks.

#### **A. Work Performance and Practices**

Members shall give a full day's work for a full day's pay and not establish patterns of non-productive work time.

Members shall assume the responsibilities, duties, and tasks of an assigned position and have an affirmative responsibility to consistently demonstrate an acceptable level of performance in their assigned position.

1. Members must demonstrate competent performance results on any assigned or assumed duty or task after receiving comparable training and experience as the typical member of the work unit whose performance outcomes are judged competent.
2. A member shall display the consistent ability to comprehend or understand supervisory instructions, explanations, or directions for work performance through the normal communication channels or communications flow of the organization.
3. Members will consistently achieve a minimum level of "typical" productivity on assigned tasks or priority work tasks for the member or the work unit. Typical productivity is measured by the average workload for the member's assigned team.
4. Members will not accept and/or report information related to duties as true or factual without taking reasonable steps to verify the correctness and accuracy of the information.
5. A member will not habitually make the same types of mistakes nor become defensive about receiving and responding to constructive criticism of performance.
6. A member will be equipped with all available tools, forms, or equipment to perform expected job duties and tasks.
7. A member will consistently pass regular qualifying exams or tests. (e.g., firearms use of force, etc.).
8. A member will consistently respond to calls in a normal and timely manner and display competence in their ability to manage autonomous work time and workloads.

9. Supervisors shall correct a subordinate's violation of a standard when the supervisor is first made aware of the violation.

#### **B. Knowledge of Laws and Rules**

Members shall be familiar with and maintain a working knowledge of all job-related federal and state laws and county ordinances.

Members shall of their own initiative learn, understand and be able to apply the information contained in agency manuals, files, and agency directives when materials, training or information is made available.

Members have an obligation to review all new policies and acknowledge that they did so in Power DMS.

#### **C. Duty Responsibilities**

Members may be assigned to various units, or temporary special duties, within the Sheriff's Office. However, this does not relieve members from taking law enforcement action in an area of responsibility normally assigned to another unit when such action is required or when failure to take action may result in injury or damage to property or persons.

1. All members shall perform their duties as required, or directed by law, Sheriff's Office rule, policy or order, or by order of a supervisor.
2. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.
3. Deputies who become aware of the occurrence of a criminal act shall, to the best of their ability, investigate the crime and complete the appropriate crime report. The unwillingness of a victim or witness to report the crime or cooperate with the investigation does not negate this responsibility.

#### **D. Orders**

Members shall respond to and obey the lawful order of supervisors and other proper authority.

1. Orders from a superior to a subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of agency business. A member of the same or lesser rank may relay orders from a supervisor.
2. No supervisor shall knowingly issue any order, which is in violation of any law, ordinance or agency rule except when no other alternative is available to further the objectives of the Sheriff's Office and the supervisor can reasonably justify the deviation from policy.
3. No member is required to obey any order that is contrary to federal or state law, or local ordinance. Responsibility for refusal to obey rests with the member, who shall be required to justify the refusal.
4. Any member receiving an unlawful, unjust, or improper order shall notify the person giving the order that it is unlawful, unjust or improper. Members who are given orders that are lawful, but which they believe are unjust or improper (contrary to rules and regulations), must first obey the order to the best of their ability if it is an emergency situation and then later report it through the chain of command. If it is a non-emergency situation report it through the chain of command. Upon receipt of an order conflicting with any previous order, published directive or instruction, the member affected will advise the person issuing the conflicting order of this fact.

Responsibility for countermanding the original order then rests with the individual issuing the conflicting order. If so directed, the latter command shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the agency.

At the earliest opportunity the person giving the conflicting order shall notify the person who gave the original order of the conflict and the reason for the countermand.

### **VIII. GENERAL CONDUCT**

Members shall obey all federal, state and local laws.

## **A. Law Enforcement Contacts**

If a member is contacted by a law enforcement agency for reasons other than routine Sheriff's Office business, such as for an interview or in a traffic stop, the Sheriff will be notified via the chain of command as soon as practical.

## **B. Conduct Toward the Agency**

The agency recognizes each member's right of freedom of speech. However, if a member makes criticisms regarding the Sheriff's Office to the general public, without substantial evidence that such actions are in the public's best interest and those actions cause the agency or any member of the agency to suffer the public's loss of faith, the offending member will be considered in violation of this standard.

1. If the member decides to make a statement to the public or media that is in any way derogatory of the agency or members of the agency, the member will notify the chain of command as soon as reasonably possible.
2. Grievances or complaints are to be brought to the attention of the member's immediate supervisor, unless the complaints are about that immediate supervisor.
3. The only exception to the chain of command requirement is if the member can demonstrate that someone in the administrative chain of command is, or has been, involved in an unlawful act. That member will then make direct contact with the offending member's immediate supervisor.
4. If a member wishes to file a grievance related to a contractual issue, the member will notify their labor association and follow the grievance procedure as stated in the current collective bargaining agreement. The grievance should clearly state what portion of the agreement is in question.
5. If not a contractual issue, the grievance procedure is to be used.

For more detailed information see [Policies 3.01 Complaint Review](#), [3.02 Grievance Procedures](#) and [3.03 Disciplinary Action](#).

## **C. Conduct Toward Other Members**

Members shall treat superiors, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationship with one another. When on-duty, and particularly in the presence of the public, deputies should be referred to by rank.

## **D. Conduct Toward the Public**

Members shall be professional in all contacts with the public. Requests shall be attended to as quickly and accurately as possible.

1. When any person requests assistance, or reports a crime or other incident, all pertinent information will be obtained in an official, professional, and courteous manner.
2. If practical, safe and tactically feasible, members shall give their name, DPSST number, and position to any violator or other person when requested to do so. Providing a business card will satisfy this requirement.
3. Members are encouraged to honor requests for public appearances; however, clearance will be obtained through the chain of command from the Sheriff or designee.
4. People have a First Amendment right to video record, photograph, and/or audio record Sheriff's Office members while members are conducting official business or while acting in an official capacity in any setting where a person has the legal right to be present, unless such recordings interfere with law enforcement activity, public safety, or a member's safety.

## **E. Agency Investigation to Identify Member**

1. If a member of the public provides any of the following information about a DCSO deputy and requests deputy's identity, the agency will undertake an investigation to try to identify the deputy and provide the name of the deputy to the person making the request:



- a. A partial name of the deputy;
  - b. The full or partial badge number or other identifying number of the deputy;
  - c. A photograph of the deputy;
  - d. A full or partial license plate or other identifying number of a police vehicle;
  - e. A physical description of the deputy; or
  - f. The location, date and time at which the deputy was present
2. If a member of the public provides the full DPSST number of the deputy, the agency shall provide the deputy's identity within 14 days.
  3. When a member of the public makes a request to identify a deputy, the agency will confirm receipt of the receipt within 7 days.
  4. After a request to identify a deputy is made, within 14 days the agency will either provide the requester with the full name and DPSST number of the deputy or provide an explanation of why the deputy could not be identified.
  5. If the agency determines that the deputy is working in an undercover assignment, the requester will be told that the agency is not able to identify the person.

#### **F. Sheriff's Office Business**

Members shall display an affirmative, consistent effort to furnish information and demonstrate work practices needed to conduct Sheriff's Office business in an efficient and professional manner including but not limited to:

1. Forwarding Communications to higher commands: Any member receiving a written or verbal communication for transmission to a higher command shall, in every case, forward that communication. A member receiving a communication from a subordinate directed to a higher command shall endorse it, indicating approval, disapproval, or acknowledgment and shall forward it via the chain of command to whom it is directed.
2. Radio Discipline: All members operating a communications radio shall observe Sheriff's Office standards and procedures, and regulations of the Federal Communications Commission.
3. Commercial Radios: If an AM-FM/Satellite, or similar radio is turned on inside a law enforcement vehicle, the volume shall be kept at a level which cannot be heard by anyone outside the vehicle and which will prevent it from interfering with any law enforcement radio transmissions.
4. Address and Telephone Numbers: Within 24 hours after changing address or telephone number, members shall notify the agency of that change and provide their correct phone number, mailing and street address. This information shall be considered confidential and not be given out to anyone except authorized personnel.
5. Sheriff's Office Reports: Members shall promptly submit such reports as are required by the performance of their duties or by competent authority.
6. Time Keeping: Members shall accurately record times per Sheriff's Office electronic timekeeping software practices or on forms as their assignment requires.

#### **G. National Colors and Anthem**

Uniformed members will render full military honors to the national colors and anthem at appropriate times. Members in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

1. Members wearing the uniform of the Sheriff's Office, including headgear, shall render a military salute to the flag when it is carried by a color bearer in marching formations or when being hoisted or lowered from a flagstaff during a ceremony.
2. During the rendition of the national anthem, members in uniform should face the flag and render the military salute at the first note of the anthem and retain this position until the last note. Members whose religious beliefs are contrary are relieved from compliance.
3. All non-uniform Sheriff's Office members will stand at the military position of attention and place their right hand over their left breast, or if they are a veteran or current member of the military they can render a military salute.

## **IX. VIOLATIONS OF PROFESSIONAL CONDUCT**

### **A. Violation of Rules**

Members shall not, by commission nor by omission, act in any manner which constitutes a violation of any of the rules, regulations, directives, mission or orders of the Sheriff's Office.

Members having knowledge of violation(s) of laws, ordinances, rules, procedures, or disobedience of orders by others shall report such violations following the chain of command. Failure to report such violations may constitute being guilty of the same violations.

### **B. Insubordination**

Members shall promptly obey any lawful order of a superior, including orders relayed from a superior. Failure to obey a lawful order shall be judged to be insubordination. Insubordination is non-compliance with county or Sheriff's Office directives, rules, policies, assignments, or procedures; provided the individual has been instructed either directly or indirectly in what is expected. Any act of dissension, resistance or disrespect to any superior authority shall be deemed insubordination, unless it is in response to an unlawful order.

### **C. Refusal to Work**

The alternative to law and its enforcement is anarchy and its resulting devastation. A deputy's commitment to public service and professional ethics discourages their engaging in strikes or similar concerted activities. In addition, Oregon Revised Statutes provides for alternative methods of amicably resolving labor questions and disputes for public safety officers. For these reasons, deputies shall not engage in strikes or work slowdowns.

### **D. Unsatisfactory Performance**

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. Unsatisfactory performance may be demonstrated as:

1. Lack of knowledge of laws or lack of knowledge on the application of laws required to be enforced.
2. Unwillingness or inability to perform assigned tasks.
3. Failure to take appropriate action on any situation deserving law enforcement attention.

Prima Facie evidence of unsatisfactory performance includes, but is not limited to, the following:

1. Repeated unsatisfactory evaluations.
2. Failure to correct documented unsatisfactory performance.
3. Other disciplinary records.

### **E. Work Productivity**

Members shall not establish a work history that, through analysis, shows an established pattern of work productivity or non-productivity that is consistently associated with specific periods of time.

For example:

1. Productivity patterns that are grouped around the first hours of work and the rest of the shift show significant declines in work output.

2. Non-productivity work period grouped around pay days; the last day of the work week; the first day back from time off; days preceding, following or between holidays, etc.
3. Members who consistently fail to self-initiate priority work during time not committed to demand tasks (e.g., dispatched calls, supervisory requests for sudden need-to-do work).
4. Parking or hiding (in out-of-the-way locations) from the eyes of the public when not on declared surveillance or without a proven operational reason with the approval of a supervisor. (NOTE: Declared surveillance means the surveillance was prearranged with the supervisor and the dispatcher has been notified.)
5. Clearing from a routine break or meal and failing to immediately resume normal duties (e.g., continuing to remain for an additional period of time).
6. Spending an atypical amount of time in the station, leaving fieldwork for others to do, unless it is dictated by a particular assignment.
7. Consistently taking a longer than normal time on a task or job assignment which results in others having to handle the extra work load is substantial evidence that the member is obviously not performing to standards of the job and avoiding carrying his or her fair share of the work load.

#### **F. Dishonesty**

Dishonesty in any form is incompatible with maintaining the public's trust and is unacceptable. When distinguishing between conduct that is dishonest and that which is poor judgment, the Sheriff may assess factors that include, but are not limited to, context, the member's intent, the gravity of the act or omission of information, and what a reasonable person would consider dishonesty under the totality of the circumstances.

In personnel investigations, findings of deceitfulness, dishonesty, and/or untruthfulness will result in severe consequences, up to and including termination. This standard applies to all employees regardless of their sworn or represented status.

## **X. OFFICIAL MISCONDUCT**

### **A. Official Actions**

At all times, members shall conduct Sheriff's Office business within the laws they are sworn to uphold, and within the constraints of the ethical codes and standards set forth by the Sheriff's Office.

1. Arrest, Search, and Seizure: Deputies shall not make any arrest, search, or seizure that they know is not in accordance with law and agency standards and procedures.
2. Treatment of Persons in Custody: Deputies shall not mistreat persons who are in their custody. Such persons shall be handled according to agency standards and procedures. Members shall protect the rights of all prisoners.
3. Reports and Bookings: No member shall knowingly falsify reports or cause inaccurate or improper information to be recorded on agency records.
4. Citations: Deputies shall not void citations once they are issued. It may occasionally be advantageous and in the interest of justice to dismiss a traffic citation. However, under no circumstances shall it be done without the knowledge and direct permission of the County Attorney, District Attorney or Justice Court Judge. Parking citations may only be dismissed by a Lieutenant or higher supervisor.
5. Security of Sheriff's Office Information and Business: Members shall not release agency business information, records, confidential information, case related documents, digital media, or information received while acting in an official capacity outside the Office except in the performance of their duties or when required to do so by law. All sensitive information or communications that are intended to be read by a supervisor or command member will be considered confidential. Members in doubt as to the releasing of records or information will seek clarification from their immediate supervisor.

## **B. Obtaining Rights, Privileges or Benefits**

Members shall not use their positions as members of the Sheriff's Office to secure any right, privilege, or benefit that they would not otherwise have received, nor secure for another any such right, privilege or benefit, to include but not limited to:

1. Members shall not use their official identification, official position, or badges to obtain personal or financial gain, obtain services not offered to the general public, or to avoid the consequences of unlawful acts.
2. Misuse of Privileged Information: Members shall not use information gained through their employment for their personal benefit.
3. Endorsements and/or Referrals: Members shall not, in any manner, recommend or suggest the employment or procurement of a particular product, professional service, or commercial service (e.g., attorneys, morticians, or private requests for towing) to any person if in doing so it would be, or appear to be, under the color of authority confirmed by their status as a member of the Sheriff's Office.

## **C. Conflicts of Interest**

Members shall not create conflicts of interest or potential conflicts of interest with the duties and obligations of their positions within this agency. This includes, but is not limited to, activities such as:

1. Members shall not buy, trade, or otherwise appropriate for their own use any item owned by an arrested person.
2. Political Activity: Members shall not participate in political activity while on-duty, or while representing the county or the Sheriff's Office ([ORS 260.432](#)). However, members are allowed to vote while on-duty provided the activity is limited to the act of depositing a ballot only. Oregon laws governing political activity of public employees do not apply to elected officials. As the Sheriff is an elected official, the Sheriff may participate in political activity as the representative of the Sheriff's Office, and may do so in uniform. A member may use their name and title for political activity as long as the member is not on the job or acting in an official capacity, as allowed by Oregon law.
3. Commercial Testimonies: Members shall not allow their names or photographs to be used in any commercial testimonial that alludes to the Sheriff's Office without the approval of the Sheriff.
4. Correspondence Prohibitions: Agency letterhead shall be used for official correspondence only. Agency stationery and postage shall not be used for any private purpose.
5. Incurring debt or liability: Members shall not incur any debt or liability in the name of the county or the Sheriff's Office unless authorized by the Sheriff or his designee.
6. Members are prohibited from conducting personal business while in uniform without supervisor approval.
7. Members shall not personally participate as a buyer or bid on any item offered for sale at an auction conducted by the Sheriff's Office, unless approved by the Sheriff or his designee.

# **XI. VIOLATIONS OF PERSONAL CONDUCT**

A deputy sheriff is the most conspicuous representative of government and to the majority of the people they are a symbol of stability and authority upon whom they can rely.

A deputy's conduct is closely scrutinized and when their actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life.

Since the conduct of a deputy, on or off-duty, may reflect directly upon the agency a deputy must, at all times, conduct themselves in a manner that does not bring discredit to them, the Sheriff's Office, or the County.

## **A. Unbecoming Conduct**

Members shall conduct themselves both on and off-duty in a manner that does not damage or have the probable expectations, in the mind of a reasonable and prudent person, of damaging or bringing the agency's public image, integrity or reputation into discredit or disrepute.

1. Members, at all times, shall conduct themselves in such a manner as reflects favorably on the Agency. Conduct unbecoming includes any act or conduct that brings discredit upon the member or the agency or impairs the effective operations or efficiency of the agency.
2. Members shall be courteous at all times to everyone. Members shall control their tempers and not engage in argumentative discussions. Members shall not use coarse, violent, profane, or insolent language or gestures while in public.
3. Members shall not express prejudice, or make prejudicial remarks concerning race, religion, disability, sex, sexual preference, politics, nationality, lifestyle, or personal characteristics.

#### **B. Controversial Conduct**

1. Members shall not engage in controversial conduct or behavior (committed on or off-duty) that brings about public criticism and causes administrative staff or supervisory personnel to spend an atypical amount of time and management cost to investigate or respond to the criticism.
2. Members shall not participate in on or off-duty activities that are detrimental to their ability to perform their assigned duties as a member of the Sheriff's Office (i.e., bar fights, drunk and disorderly).
3. Members shall not engage in loud and crude language in front of the public when such language has a direct or indirect and detrimental impact on public image of the Sheriff's Office.
4. Members shall not show a loss of temper or composure or overreact to another person's verbal comments, assaults, or abuse.
5. Members on duty shall not solicit the attentions of, or engage in any familiarity with, any person encountered during the member's tour of duty. Information gained during the contact through any official means (such as documents, Law Enforcement Data System, DMV, computer files, etc.) shall not be used for this purpose.
6. Members shall not take their frustrations out on others or allow such frustrations to lead to injury or damage to persons or property.
7. Members may, from time to time, become involved in quarrels and disputes while off-duty between friends, neighbors, or relatives. Members shall not take law enforcement action in these situations except under extreme circumstances where self-defense or the safety of others is justified.

#### **C. Use of Intoxicants and Controlled Substances**

There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by an agency member evidencing the use of intoxicants. Additionally, the stresses of law enforcement require a member to be mentally alert and physically responsive.

##### **1. Use of Intoxicants**

- a) Members shall not drink any intoxicating beverage on-duty except in the performance of an authorized law enforcement function, and then only with the specific consent of the Sheriff or his designee. Members shall not, at any time, be under the influence of intoxicating beverage on duty without the specific consent of the Sheriff or his designee.
- b) Members shall not consume intoxicants off-duty to such a degree that it impairs their on-duty performance. Members shall not report for duty or make contact with the general public on-duty when an odor of an intoxicating beverage is on their breath or person. Members unable to report for duty will notify the supervisor on-duty. Members shall exercise caution in consuming alcoholic beverages prior to duty time so as not to be in violation of this section.

##### **2. Purchase or Drinking of an Intoxicating Beverage**

A member, whether on or off-duty, shall not purchase or consume an intoxicating beverage while wearing an authorized uniform of the Sheriff's Office.

##### **3. Intoxicating Beverages or Drugs on Sheriff's Office Premises**

Members shall not store or bring into any agency facility or vehicle intoxicating beverages, controlled substances, narcotics, or prescription medications other than those to be held as evidence, or to be used in the course of authorized Sheriff's Office business, or prescribed by a medical doctor for the member.

#### 4. Controlled Substances

Members shall not use or possess any narcotic, hypnotic, amphetamine, barbiturate, hallucinogen, tranquilizer medication, or other controlled substance except according to a proper prescription and under the supervision of an accredited and licensed medical doctor. Use of prescription drugs with warnings of adverse effects shall be brought to the attention of the member's supervisor.

The use of medical and recreational marijuana is prohibited due to the immediate action and critical nature of the job duties members are required to perform.

Marijuana continues to be defined as a Schedule I drug under the Controlled Substance Act. Manufacture, distribution and possession of marijuana are Federal crimes. Knowing or intentional marijuana possession is illegal under Federal law, even if a member has no intent to manufacture, distribute, or dispense marijuana.

Violation of this policy is just cause for discipline up to and including termination. Command action will be on a case by case determination.

#### 5. Testing

A member shall submit to a breath, blood, or urine sample to determine the presence of intoxicants and/or controlled substances when any supervisor has reasonable suspicion that the member may be using intoxicants and/or controlled substances in violation of Sheriff's Office policy.

Reasonable suspicion shall be defined under Oregon law as being a belief that is reasonable under the totality of the circumstances existing at the time and place.

A positive urine or blood test for marijuana (THC) will be considered a rebuttable presumption of violating policy. Members should be aware and use caution when using CBD. Many CBD preparations that are advertised as not having any THC are not accurate. One study found that 21% of the CBD products tested had THC.

#### **D. Use of Tobacco Products on Duty**

Each member should have the desire and obligation to strive to look professional and to project a sharp image. Members who use tobacco products are to exercise discretion and common courtesy toward non-users to assure that tobacco use on the job does not tarnish that image or offend members of the public. Members will use discretion when using tobacco products in sensitive locations of the County, such as in view of schools. Agency non-users are expected to show common courtesy and concern for the needs of the tobacco users.

1. Members shall not smoke in any County building or any Sheriff's Office vehicle.
2. Members shall not smoke or use tobacco products when told it is offensive to persons in their presence, when it is a safety hazard, or when it may interfere with the performance of their duty.

Examples of prohibited tobacco use:

- when out of a vehicle, such as being on traffic control, traffic stops, on bicycle patrol;
- while at a crime scene before it is secured;
- when engaged in close contact with the public; or
- when on a call when there are members of the public present.

Members in contact with a citizen while in that citizen's private residence or other privately owned facility and out of the view of the general public may smoke with the permission of that citizen. Smoking in designated break areas and while on an authorized break are excepted from the "smoking in view of the public" requirements of this policy.

3. Members are prohibited from spitting from a county vehicle.

## **E. Financial Obligations**

Public employees have stable incomes upon which they may forecast future earnings. For this reason and because of public confidence in their responsibility, it is relatively easy for agency members to contract financial obligations that, if not controlled, may become difficult to manage. Such financial distress may impair the individual's effectiveness and tends to bring discredit upon the agency. Members should avoid incurring financial obligations that are beyond their ability to reasonably satisfy from their agency income. Excessive debt may expose the member to manipulation and corrupt behavior. Excessive debt may reflect on the professionalism and integrity of the agency and could be cause for disciplinary action. Large debt and financial issues may be caused by unforeseen and unavoidable events. Members shall inform their supervisor of financial issues that have the potential to impact the member's effectiveness.

## **XII. GIFTS, GRATUITIES, FEES, BRIBES, REWARDS**

Members will not solicit or accept any gift or gratuity of any item of value, loan, or service, which would be given due to the member's employment with the Sheriff's Office.

### **A. Gratuities**

Members shall pay for all goods and services at fixed regular rates. Members shall not accept any discount on these items, or accept them for free unless the same rate is available to the general public. However, this section is not intended to discourage businesses or community members from the past practice of giving gifts to the agency whose policy it is to do so and the business intends to donate the item to a public service agency.

### **B. Bribery**

Any attempt at bribery of a member shall be immediately reported to the member's supervisor. The member shall make a complete written report of the incident. Copies of the report shall be directed to the Sheriff via the chain of command.

### **C. Rewards**

No member, on or off-duty, will accept a reward for services normally rendered by the agency.

### **D. Disposition of Gifts and Gratuities**

Descriptions of items of value, which are given to an individual member or the agency in the spirit of a gift, will be recorded on a memo and forwarded to the Sheriff. Members may eat perishable items so long as duty is not neglected. Other items will be returned to the giver, presented to a charitable organization, or other disposition as authorized by the Sheriff.

## **XIII. COMMENDATIONS**

The Sheriff's Office expects a very high level of professional conduct from all members; however, members of the agency frequently perform their duties in a manner exceeding the highest standards of the agency. The official commendation of such performance and the arrangement of appropriate publicity are to be provided by the agency to give full public recognition to those who have brought honor to themselves and the Sheriff's Office.