

# Lincoln County Sheriff's Office

## Policy Manual

### **SHERIFF'S PREFACE**

I am proud to note that these policies have been developed with creative input from many who have preceded us in our careers. While many of these policies reflect state and federal laws and court opinions, many other policies have been formulated based upon progress and successful leadership.

This office has made a commitment in providing you and the citizens of Lincoln County with the best possible policies related to law enforcement, corrections, and jail health. To this commitment, we have contracted with a company called Lexipol. Many local law enforcement agencies in 11 states have adopted this service and are discovering that standardizing law enforcement policies carries many benefits.

Our policies and procedures define who we are and reflect our values. Many of these policies are well-founded on state and federal laws and others are borne from experience and success.

Your job, your future, and in many instances your family's future and security depends upon your awareness and compliance with these policies, rules, and procedures. The policies are designed to provide you with guidance in fulfilling your responsibilities on a daily basis. The rules and procedures are designed to provide consistency in how all of us perform specific responsibilities.

A solid future with the Lincoln County Sheriff's Office is reserved only for those who choose to learn and follow these policies, rules, and procedures. Your conduct and behavior are not only a reflection of you, they are a reflection of your team members and the person elected to serve as your Sheriff.

If you have questions about or additional input into our policies, you are encouraged to discuss your ideas during a team meeting or with your supervisor. While the Sheriff is the only authority who can approve a policy for the Sheriff's Office, successful policies require participation from others. Anyone can identify something that is broken. It takes a leader to select one thing that is already working and make it better.

Sheriff Dennis L. Dotson

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### **Criminal Justice Code of Ethics**

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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### **Mission Statement**

It is the mission of the Lincoln County Sheriff's Office to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working in partnership with our citizens to improve their quality of life.

Our commitment is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain public confidence.

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**Chapter 1 - Law Enforcement Role and Authority**

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## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This Sheriff's Office does not tolerate abuse of law enforcement authority.

### 100.2 PEACE OFFICER POWERS

Peace officers are granted authority by [Oregon Revised Statutes](#) to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Certified members of this Sheriff's Office are peace officers pursuant to [Oregon Revised Statutes 161.015](#). Peace officer authority extends to any place in the State of Oregon.

#### 100.2.1 AUTHORITY TO ARREST

Pursuant to [Oregon Revised Statutes 133.235](#):

- (a) A peace officer may arrest a person for a crime at any hour of any day or night.
- (b) A peace officer may arrest a person for a crime, pursuant to [Oregon Revised Statutes 133.310](#) (1), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under [Oregon Revised Statutes 161.235, 161.239 and 161.245](#).
- (e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.
- (f) If after giving notice of the peace officer's identity, authority and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.
- (g) A person may not be arrested for a violation except to the extent provided by [Oregon Revised Statutes 153.039](#) and [810.410](#).

### 100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Oregon Constitutions.

## **Public Safety Certification**

### **102.1 PURPOSE AND SCOPE**

The Board on Public Safety Standards and Training requires that all sworn law enforcement officers, telecommunicators and emergency medical dispatchers employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment ([OAR 259-008-0060](#)).

### **102.2 SUPERVISOR AND MANAGER CERTIFICATION**

#### **102.2.1 SUPERVISORS AND MANAGERS**

In addition to basic certification, supervisors and mid-level managers are expected to meet the qualifications for supervisory or management level certification, respectively, within two years of each appointment ([OAR 259-008-0060](#)).

#### **102.3 MAINTENANCE OF CERTIFICATION**

In order to maintain certification, all active peace officers, telecommunicators and emergency medical dispatchers are required to meet on-going training requirements as specified in [OAR 259-008-0064](#) or [OAR 259-008-0065](#).

Active peace officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of department-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers ([OAR 259-008-0065](#)).

## Oath of Office

### **104.1 PURPOSE AND SCOPE**

Deputies of this Sheriff's Office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### **104.1.1 OATH OF OFFICE**

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

#### **104.1.2 AFFIRMATION**

I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Oregon and that I will faithfully perform the duties of (job title) in and for the County of Lincoln and State of Oregon to the best of my abilities, I so affirm.

### **104.2 LAW ENFORCEMENT CODE OF ETHICS**

All personnel of the Lincoln County Sheriff's Office are required to subscribe and adhere to the Law Enforcement Code of Ethics as presented in the introduction to this Policy Manual.

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## Flag and National Anthem Protocol

### 105.1 PURPOSE AND SCOPE

This policy establishes standards for the demonstration of proper respect for the National Flag and Anthem.

#### 105.1.1 POLICY

Sheriff's Office employees are highly visible representatives of government, and will show proper respect and protocol to our national and state flag.

### 105.2 PROCEDURES

Employees in uniform will render the military salute only when wearing a hat.

Normally, employees will remove their hat while indoors. For formal occasions, instructions will be given when a hat should be worn

#### 105.2.1 NATIONAL ANTHEM - STAR SPANGLED BANNER

Employees in uniform, while wearing a hat, should render the military salute at the first note of the anthem and retain that position until the last note. All persons not in uniform shall stand at attention facing the flag with the right hand over the heart. Members not in uniform should remove any headdress with their right hand and hold it at the left shoulder, with the hand over the heart.

When the flag is not displayed, those present should face toward the music and act in the same manner required as if the flag were displayed.

#### 105.2.2 PLEDGE ALLEGIANCE TO THE FLAG

The Pledge of Allegiance should be recited while standing at attention, facing the flag. Members not in uniform should remove any headdress with their right hand and hold it at the left shoulder, with the hand over the heart. Persons in uniform shall remain silent while standing at attention, or render the military salute when wearing a hat.

#### 105.2.3 CONDUCT DURING HOISTING, LOWERING OR PASSING OF THE FLAG

Those employees present in uniform and wearing a hat should render the military salute. All other persons present should face the flag and stand at attention. Members not in uniform should remove any headdress and hold it at the left shoulder, with the right hand over the heart.

#### 105.2.4 RESPECT FOR THE FLAG

- (a) The national flag shall not be dipped to any person or thing. Regimental colors, state flags, and organization or institutional flags are to be dipped as a mark of honor.
- (b) Flags shall never be fastened, displayed used or stored in such a manner as to permit them to be easily torn, soiled, or damaged.
- (c) The lapel flag pin is a replica of the flag and shall be worn on the left lapel near the heart. Lapel flag pins are not authorized to be worn while in uniform.

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### *Flag and National Anthem Protocol*

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#### **105.2.5 TIME AND OCCASIONS**

- (a) Universally the flag is displayed only from sunrise to sunset on buildings and on stationary flagstaffs in the open. The flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness. It is not displayed during inclement weather, except when an all weather flag is displayed.
- (b) The flag should be displayed daily on or near the main administration building of every public institution.
- (c) On Memorial Day, the flag should be displayed at half-staff until noon only, then raised to the top of the staff.

#### **105.2.6 POSITION AND MANNER OF DISPLAY**

- (a) No other flag or pennant should be placed above or, if on the same level, top the right of the flag of the United States of America.
- (b) When displayed from a staff in a public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience. Any other flag displayed should be placed on the left of the speaker, or to the right of the audience.
- (c) The flag should be hoisted briskly and lowered ceremoniously.
- (d) The flag, when flown at half-staff, should be first hoisted to the peak of the flag staff for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.
- (e) The Governor of a state may proclaim the national flag be flown at half-staff in the event of the death of a present or former official of the government of any state, territory, or possession of the United States.
- (f) When the flag is used to cover a casket, it should be placed so the union is at the head and over the left shoulder.

#### **105.2.7 FOLDING THE FLAG**

- (a) Two persons, facing each other, hold the flag waist high and horizontally between them.
- (b) The lower striped section is folded lengthwise, over the blue field. Hold bottom to top and edges together securely.
- (c) Fold the flag again, lengthwise, folded edge to open edge.
- (d) A triangular fold is started along the length of the flag, from the end to the heading by bringing the striped corner of the folded edge to meet the open edge.
- (e) The outer point is turned inward parallel with the open edge, forming a second triangle.
- (f) Repeat the triangular folding until the entire length of the flag is folded.
- (g) When the flag is completely folded, only the triangular blue field should be visible.

#### **105.2.8 FLAG PRESENTATION**

Presentation of the flag, e.g., posting of colors, during a ceremony should be preceded by a brief talk emphasizing the importance of the occasion. Following the presentation, all present should show respect for the flag according to their attire, recite the pledge of allegiance, and sing the national anthem.

## **Policy Manual**

### **106.1 PURPOSE AND SCOPE**

The manual of the Lincoln County Sheriff's Office is hereby established and shall be referred to as "The Policy Manual". The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this Sheriff's Office. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work 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 and information reasonably available at the time of any incident.

#### **106.1.1 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 Lincoln County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, 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 Lincoln County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

### **106.2 RESPONSIBILITIES**

The ultimate responsibility for the contents of the manual rests with the Sheriff. Since it is not practical for the Sheriff to prepare and maintain the manual, the following delegations have been made:

#### **106.2.1 SHERIFF**

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

#### **106.2.2 STAFF**

Staff shall consist of the Sheriff, the Administrative Lieutenant, the Division Commanders and the Administrative Assistant.

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

# Lincoln County Sheriff's Office

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#### **106.2.3 OTHER PERSONNEL**

All Sheriff's Office employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Supervisor who will consider the recommendation and forward to staff.

#### **106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL**

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

##### **106.3.1 ACCEPTABLE ABBREVIATIONS**

The following abbreviations are acceptable substitutions in the manual:

- Sheriff's Office Directive may be abbreviated as "SOD".
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X."

##### **106.3.2 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.

**County** -The County of Lincoln

**Department/LCSO** - The Lincoln County Sheriff's Office

**DHS** - Department of Human Services

**DMV** - The Department of Motor Vehicles

**Employee/Personnel** - Any person employed by the Office.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Lincoln County Sheriff's Office Policy Manual

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person who is employed or appointed by the Lincoln County Sheriff's Office, including certified deputies, reserve deputies, civilian employees and volunteers.

**OAR** - The Oregon Administrative Rules

**Deputy/Sworn** - Those employees, regardless of rank, who are sworn employees of the Lincoln County Sheriff's Office.

**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.



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**ORS** - The Oregon Revised Statutes

**OSP** - The Oregon State Police

**Rank** - The job classification title held by a deputy.

**Shall or Will** - Indicates a mandatory action.

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

**U.S.C.** - United States Code

### **106.3.3 DISTRIBUTION OF MANUAL**

An electronic version of the Policy Manual will be made available on the Sheriff's Office network to all employees. The electronic version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

### **106.4 MANUAL ACCEPTANCE**

As a condition of employment all employees are required to read and obtain necessary clarification of the Lincoln County Sheriff's Office policies. Members are required to sign a Statement of Receipt acknowledging that they have received a copy or have been provided access to the Policy Manual and understand that they are responsible to read and become familiar with its contents.

#### **106.4.1 REVISIONS TO POLICIES**

All employees are responsible for keeping abreast of all Policy Manual revisions. Each division commander/manager will forward revisions to the Policy Manual as needed to all personnel via electronic mail.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

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**Chapter 2 - Organization and Administration**

## **Organizational Structure and Responsibility**

### **200.1 PURPOSE AND SCOPE**

The organizational structure of the Sheriff's Office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public. The Sheriff is responsible for administering and managing the Lincoln County Sheriff's Office.

### **200.2 DIVISIONS**

There are four divisions in the Sheriff's Office as follows:

- Patrol Division
- Jail Division
- Civil/Records Division
- Animal Control/Shelter

#### **200.2.1 PATROL DIVISION**

The Patrol Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of patrol teams, Marine, Forest, Detectives, Animal Control, and Reserves.

#### **200.2.2 JAIL DIVISION**

The Jail Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for that Division. The Jail Division consists of Corrections personnel and support staff.

#### **200.2.3 CIVIL/RECORDS DIVISION**

The Civil/Records Division is commanded by the Chief Civil Deputy whose primary responsibility is to provide general management direction and control for that Division. The Civil/Records Division consists of the Civil Section, Records and Property/Evidence.

#### **200.2.4 ANIMAL SHELTER DIVISION**

The Animal Shelter Division is commanded by a Manager whose primary responsibility is to provide general management direction and control for the Animal Shelter.

### **200.3 COMMAND PROTOCOL**

#### **200.3.1 SUCCESSION OF COMMAND**

The Sheriff exercises command authority over all personnel in the Sheriff's Office.

In the event the Sheriff is incapacitated, the Administrative Lieutenant is in command authority over all personnel in the Sheriff's Office.

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### *Organizational Structure and Responsibility*

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#### **200.3.2 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Sheriff's Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility.

#### **200.3.3 ORDERS**

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority. Any failure or deliberate refusal to obey a lawful order given by a superior officer or supervisor shall be insubordination.

#### **200.3.4 UNLAWFUL AND CONFLICTING ORDERS**

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

## **Duties of Certified Employees**

### **201.1 PURPOSE AND SCOPE**

The following is a general description of the duties for certified positions within the Lincoln County Sheriff's Office. Specific employee position descriptions provide a more detailed description of duties for each position within the Sheriff's Office.

### **201.2 SHERIFF**

The Sheriff is the Chief Executive Officer and conservator of the peace of the county. As an elected official, he/she is the administrative officer of the Sheriff's Office and held responsible for the conduct of its employees and the efficiency of its operation. It is his/her duty to: select, appoint and assign employees; promulgate directives, rules and regulations for the operation of the Sheriff's Office; direct and supervise the functions of the Sheriff's Office; and keep and maintain adequate records thereof, and render such reports of its operation as the Sheriff may deem appropriate.

### **201.3 COMMAND OFFICERS**

Lieutenants, Chief Civil Deputy, and Animal Shelter Manager may be assigned as Division Commanders. He/she is the executive and administrative officer of the Sheriff's Office for the particular assigned division and is responsible to the Sheriff for the activities, conduct and efficiency of the employees assigned therein. A general outline of his/her duties is as follows:

- (a) He/she shall direct and supervise the activities and conduct of such employees to the end that the efficiency of the Sheriff's Office as a public safety agency in his/her division may be maintained or enhanced.
- (b) He/she shall make recommendations relative to promotions, and awards for conspicuous service within his/her division.
- (c) He/she shall maintain adequate records of operations within his/her division and render to the Sheriff full and complete records thereof.
- (d) He/she shall exert his/her best efforts to stimulate cooperation with local peace officers and other partner agencies and organizations.
- (e) He/she will be held responsible for the care, maintenance and proper use of the equipment issued to the employees under his/her direction.

#### **201.3.1 SERGEANTS**

Sergeants shall perform duties as may be assigned to them by the Sheriff or Commander of the division in which they are assigned. They shall assist the Division Commander in the direction and supervision of the activities and conduct of subordinates assigned to each division. In the absence of a Division Commander, a Sergeant may be assigned to assume the duties and responsibilities of the Division Commander.

### **201.4 DEPUTY RESPONSIBILITIES**

- (a) Deputies shall be courteous and considerate in their contact with other peace officers and shall endeavor, through tactful cooperation, to gain their good will and respect.

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- (b) Without intruding upon the privacy of individuals, Deputies shall make every proper effort to cultivate the good will of law-abiding persons residing in their areas.
- (c) Deputies shall provide all possible assistance in cases of accidents, crashes or illness by rendering first aid, and/or summoning medical aid and/or transportation.
- (d) Deputies shall courteously furnish correct information and render proper aid to all persons on inquiry or request and shall direct travelers to the nearest and safest route to their destinations.
- (e) Deputies shall submit to the Sheriff accurate and complete reports of their general activities and such reports of special activities as circumstances may warrant or the Sheriff require.
- (f) Deputies shall faithfully and attentively undergo such course or courses of instruction and training as the Sheriff may from time to time prescribe.
- (g) Deputies shall at all times respect the authority of their supervisors. They shall comply strictly with the instructions and obey promptly the legal orders of such supervisors.

#### **201.4.1 PATROL DEPUTIES ONLY**

In addition to the responsibilities listed in § 201.4 of this Policy, Patrol Deputies shall also be responsible for the following:

- (a) Patrol Deputies shall be responsible for the enforcement of the criminal and traffic laws within Lincoln County, and shall be at all times ready to aid and assist state, federal, and local peace officers.
- (b) Patrol Deputies shall diligently patrol the areas assigned to them with the use of equipment provided by the Sheriff's Office.
- (c) Patrol Deputies shall be alert and diligent in preserving the public peace and protecting persons and property.
- (d) Patrol Deputies shall closely observe areas where persons of known criminal tendencies congregate within their areas and report their observations to their supervisor for possible further action.
- (e) Patrol Deputies shall be diligent in enforcing state laws and county ordinances to the end that our communities are safe and secure, the highways of our state and county may be safely used and its natural resources conserved.
  - 1. Patrol Deputies will also enforce city ordinances and codes in cities contracting services from the Sheriff's Office.
- (f) Patrol deputies will respond to all calls for service in a timely and safe manner utilizing methods of contact approved by the Patrol Commander and made available to them by this office.
- (g) Patrol Deputies shall be alert and diligent in preventing the intrusion of unauthorized persons upon the scenes of crimes.
- (h) Patrol Deputies will seek and preserve evidence, and promptly submit a full and complete report.
- (i) Patrol Deputies shall be alert and diligent in discouraging the criminal purpose of persons intent upon committing crimes and in effecting the arrest of any guilty thereof.
- (j) Patrol Deputies will seek to identify the person(s) responsible for the commission of crimes and other offenses and arrest any fugitive from justice they may encounter.
- (k) Patrol Deputies shall be alert in observing the condition of the highways and shall remove all obstructions and correct all defects if practicable; otherwise, they shall

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report such obstacles and defects immediately to the communications center for further contact action by the County Road Department or Oregon Department of Transportation.

- (l) When congestion of traffic on any highway is observed, they shall immediately report the condition to the Oregon State Police or local jurisdiction and exert their best efforts to direct and control such traffic until relieved.
- (m) In making an arrest with or without a warrant and disposing of the person arrested, or in conducting a search under the authority of a search warrant and disposing of the property seized, Deputies shall take care to conform strictly to the practice and procedure outlined in this manual.
- (n) Patrol Deputies shall apply the criminal laws impartially and, without fear or favor, promptly make such arrests as the facts of a particular situation warrant.
- (o) Patrol Deputies shall be watchful against fires and shall extinguish, when practicable, attend or immediately report any observed, as the circumstances of the particular case may warrant.
- (p) Although only certain hours on duty may be required of sworn employees each day, they are nevertheless at all times peace officers responsible for the enforcement of the criminal laws. Deputies are not encouraged to intervene in the commission of a crime when off duty other than to keenly observe the act(s) in order to render complete and accurate information to investigators.
- (q) Patrol Deputies shall be alert and diligent in deterring the purposes of terrorists and saboteurs and in averting attacks on public buildings and structures, national defense materials, national defense premises, national defense utilities. In this connection they must bear in mind that highways, bridges and railroads are national defense utilities. Bridges, underpasses or overpasses where highway crosses highway, railroad crosses railroad, or one the other, are particularly vulnerable to attack.

## **Sheriff's Office Directive**

### **204.1 PURPOSE AND SCOPE**

Sheriff's Office directives establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure. Sheriff's Office directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### **204.1.1 SHERIFF'S OFFICE DIRECTIVE PROTOCOL**

Sheriff's Office directives will be incorporated into the manual as required upon approval of Staff. Sheriff's Office directive modify existing policies or create a new policy as appropriate. A Sheriff's Office directive will be rescinded once it has been incorporated into the manual.

All existing Sheriff's Office directives have now been incorporated in the updated Policy Manual as of the below revision date.

Sheriff's Office directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 09-01 signifies the first Sheriff's Office directives for the year 2009.

### **204.2 RESPONSIBILITIES**

#### **204.2.1 STAFF**

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Sheriff's Office directives.

#### **204.2.2 SHERIFF**

The Sheriff shall issue all Sheriff's Office Directives.

### **204.3 ACCEPTANCE OF SHERIFF'S OFFICE DIRECTIVES**

All employees are required to read and obtain any necessary clarification of all Sheriff's Office Directives.



## Emergency Operations Plan

### **206.1 PURPOSE AND SCOPE**

The County has prepared an Emergency Operations Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated ([ORS 401.305](#)).

All employees should receive annual refresher training on the details of the Lincoln Emergency Operations Plan.

### **206.2 ACTIVATING THE EMERGENCY PLAN**

The Emergency Operations Plan can be activated in a number of ways. The Emergency Manager or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

#### **206.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Operations Plan is activated, all employees of the Lincoln County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

### **206.3 MANUALS**

All supervisors should familiarize themselves with the Emergency Operations Plan and what roles members will play when the plan is implemented.

### **206.4 BUILDING EVACUATION PLAN**

In the event of a disaster or emergency which requires evacuation of the courthouse, all employees shall follow implemented evacuation plans and posted exit routes ([OAR 437-002-0041](#)). The posted exit routes shall include any special directions for physically impaired employees.

### **206.5 UPDATING OF MANUALS**

The Emergency Manager should review the Emergency Operations Plan at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

## Training

### **208.1 PURPOSE AND SCOPE**

It is the policy of this Sheriff's Office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Sheriff's Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

### **208.2 PHILOSOPHY**

The Sheriff's Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Sheriff's Office will use courses certified by the Oregon Department of Public Safety Standards and Training (DPSST).

### **208.3 OBJECTIVES**

The objectives of the Training Program are to:

- (a) Enhance the safety of deputies and the community
- (b) Enhance the level of law enforcement service to the public
- (c) Increase the technical expertise and overall effectiveness of our personnel
- (d) Provide for continued professional development of Sheriff's Office personnel

### **208.4 TRAINING PLAN**

An annual training plan will be developed by the Training Sergeants of each division and provided to the Administrative Lieutenant for approval. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Agency-specific training
- Sheriff's Office Policies and Procedure

### **208.5 TRAINING NEEDS ASSESSMENT**

The Training Sergeants will conduct an annual training-needs assessment of the Sheriff's Office and it will be provided to the Administrative Lieutenant. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

### **208.6 TRAINING COMMITTEE**

The Administrative Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Sheriff's Office.

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The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Administrative Lieutenant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Administrative Lieutenant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Administrative Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

#### **208.7 TRAINING ATTENDANCE**

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
  1. Court appearances
  2. Vacation
  3. Sick leave
  4. Physical limitations preventing the employee's participation.
  5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
  2. Make arrangements through his/her supervisor to attend an alternate date.

#### **208.8 TRAINING COSTS**

For purposes of this policy, the following definitions are provided ([ORS 181.695](#)):

**Original employing governmental agency** - The governmental agency that first employs an employee in a position that requires training.

**Training costs** - The expenses paid for by an employing governmental agency that include the cost of salary and benefits paid to an employee during training, the cost of salary and benefits paid to another employee to cover the workload of an employee in training and the cost of initial training courses required for employment.

Whenever statutorily required, a deputy who voluntarily leaves employment with his/her original employing governmental agency and is subsequently employed by the Lincoln County Sheriff's Office in a position that requires the same training as required for

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the position with the original employing governmental agency, the Lincoln County Sheriff's Office shall reimburse the original employing governmental agency for training costs incurred by the original employing governmental agency in accordance with the reimbursement schedule in [ORS 181.695\(3\)](#).

It is the responsibility of the Division Commander to identify when such reimbursements are required, and ensure that payment procedures are followed. If Lincoln County Sheriff's Office is the original employing agency in accordance with the definition contained in [ORS 181.695\(1\)\(a\)](#), the Sheriff or designee will determine whether reimbursement will be sought from the agency which hired the deputy.

In all issues of employment it is the policy of this office to take reasonable steps to retain competent employees.

### **208.9 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Lincoln County Sheriff's Office policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Administrative Lieutenant or designee.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Administrative Lieutenant or designee. Personnel should not share their password with others and should protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Sheriff's Office and County electronic mail (e-mail) system by employees of this Office. E-mail is a communication tool available to Sheriff's Office employees to enhance the efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law, such as the Oregon Public Records Law set forth in [Oregon Revised Statutes 192.420](#). Messages transmitted over the e-mail system must only be those that involve County business activities or contain information essential to County employees for the accomplishment of business-related tasks, and/or communication directly related to County business, administration or practices.

### 212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over county networks are considered Sheriff's Office records and therefore county property. The Sheriff's Office reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its e-mail system or that is stored on any county system. Likewise, employees are prohibited from receiving, sending or storing e-mail messages in personal files. The county reserves the right to access any personal folders to assure compliance with this policy.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the county e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Sheriff's Office.

### 212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire Sheriff's Office are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure will minimize the misuse of an individual's e-mail, name and/or password by others.

### 212.4 MANAGEMENT OF E-MAIL

Users of email are solely responsible for the management of their mailboxes. Messages should be accessed and read each work day and reviewed and archived manually by the

# Lincoln County Sheriff's Office

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### *Electronic Mail*

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user. An official email message that is associated with a particular case, should be printed and stored in the case file.

#### **212.5 ELECTRONIC MESSAGING**

- (a) The following non-work related uses of the County's electronic messaging system are prohibited. The list provided is intended as examples and is not intended to be all inclusive:
1. Participating in Chat rooms;
  2. Participating in active messaging;
  3. Engaging in common gossip;
  4. Creating or spreading rumors;
  5. Any comment personally attacking a member of the Sheriff's Office or other public employee.
- (b) Examples of acceptable e-mail communications include:
1. Dinner arrangements with family or friends in a location where a member of the Sheriff's Office will be attending a meeting, training, or other employment related activity;
  2. Responding to personal e-mail. Exchanging a series of e-mails should be limited to no more than two;
  3. Sharing duty-related information;
  4. Fundraisers and volunteer activities related to the Sheriff's Office.

## **Administrative Communications**

### **214.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide members with the protocols and forms to be used for internal administrative communications. Administrative communications of this Sheriff's Office are governed by the following policies.

### **214.2 PERSONNEL ORDERS**

Personnel Orders may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

### **214.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Sheriff's Office are not misused, all external correspondence shall be on Department letterhead. Personnel should use Sheriff's Office letterhead only for official business and with approval of their supervisor.

### **214.4 SURVEYS**

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff or a Division Commander.

### **214.5 INFORMATIONAL MEMOS**

The Sheriff may issue memoranda to members from time to time for the purpose of disseminating information to the members.

## **Concealed Handgun License**

### **218.1 PURPOSE AND SCOPE**

The Sheriff of a county shall issue Oregon concealed handgun licenses to qualified applicants upon receipt of the appropriate fees and after compliance with the procedures set out in [ORS 166.291 through ORS 166.295](#).

#### **218.1.1 LICENSING PROCEDURE**

All concealed handgun license applicants shall be accepted and processed by the Records Section. Upon receipt of an application:

- (a) The completed Application to Carry a Concealed Handgun will be reviewed by the Chief Civil Deputy or his/her designee. If not complete, it should be immediately returned to the applicant for completion.
- (b) The Records Section will process the application in a timely manner and complete all the procedures as required by law.

### **218.2 QUALIFIED APPLICANTS**

To qualify for an Oregon concealed handgun license, an applicant must meet the criteria set forth in ORS 166.291 et seq.

### **218.3 APPLICATION PROCESS**

Applicants for Oregon concealed handgun licenses must complete a written application, must submit to fingerprinting and photographing by the Sheriff, and the Sheriff shall conduct any investigation necessary to ensure that applicants meet the qualifications set out above.

Immediately upon acceptance of an application for a concealed handgun license, the Sheriff shall enter the applicant's name into the Law Enforcement Data System.

#### **218.3.1 WRITTEN APPLICATION**

The application, signed by the applicant, must state the applicant's legal name, current address and telephone number, date and place of birth, hair color, eye color, height, and weight. It must also list the applicant's residence address or addresses for the previous three years. A statement by the applicant, that the applicant meets the qualification requirements set out above, must also be included. The application may include the Social Security number of the applicant if the applicant voluntarily provides it.

#### **218.3.2 FINGERPRINTING, PHOTOGRAPHING, AND INVESTIGATION**

The applicant must submit to fingerprinting and photographing by the Sheriff. The Sheriff shall fingerprint and photograph the applicant and shall conduct any investigation necessary to corroborate the qualification requirements listed above.

### **218.4 DENIAL OF CONCEALED HANDGUN APPLICATIONS**

If the application for the concealed handgun license is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail, restricted delivery, within 45 days after the application was made. If no decision is issued



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within 45 days, the person may seek review through the procedures set out in [Oregon Revised Statutes 166.293](#)(5).

A Sheriff may deny a concealed handgun license if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.

#### **218.5 ISSUED CONCEALED HANDGUN LICENSES**

If the application for the license is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized license bearing the photograph of the licensee. The license must be signed by the licensee and carried whenever the licensee carries a concealed handgun. Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license.

The Sheriff shall keep a record of all the licenses that are issued or renewed under [Oregon Revised Statutes 166.291 and 166.295](#), as well as those that are denied or revoked under [Oregon Revised Statutes 166.293](#).

Unless revoked, an Oregon concealed handgun license is valid for a period of four years from the date on which it is issued.

##### **218.5.1 LICENSE RESTRICTIONS**

When a Sheriff issues a concealed handgun license, the Sheriff shall provide the licensee with a list of those places where carrying concealed handguns is prohibited or restricted by state or federal law.

##### **218.5.2 CHANGE OF LICENSEE'S ADDRESS**

If a licensee changes residence, the licensee shall report the change of address and the Sheriff shall issue a new license as a duplicate for a change of address. The license shall expire upon the same date as would the original.

##### **218.5.3 REVOCATION OF LICENSES**

Any act or condition that would prevent the issuance of a license under [Oregon Revised Statutes 166.293](#) as set out above, is cause for revoking a concealed handgun license.

A Sheriff may revoke a license by serving upon the licensee a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

Any peace officer or corrections officer may seize a concealed handgun license and return it to the issuing Sheriff when the license is held by a person who has been arrested or cited for a crime that can, or would otherwise disqualify the person from being issued a concealed handgun license. The issuing Sheriff shall hold the license for 30 days. If, after 30 days, the person is not charged with a crime the Sheriff shall return the license unless it is revoked.

A person whose license is revoked may seek review by following the procedure set forth in [Oregon Revised Statutes 166.293](#).

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#### **218.5.4 LICENSE RENEWAL**

A concealed handgun license is renewable by repeating the application process, except for the requirement to submit fingerprints and provide character references. An otherwise expired concealed handgun license continues to be valid for up to 45 days after the licensee applies for renewal if: the licensee applies for renewal before the original license expires; the licensee has proof of the application for renewal; and the application for renewal has not been denied.

#### **218.6 ANNUAL REPORT OF LICENSE REVOCATIONS**

The Sheriff shall submit an annual report to the Department of State Police containing the number of concealed handgun licenses revoked during the reporting period and the reasons for the revocations.

## **Retired Peace Officer CCW Endorsements**

### **220.1 PURPOSE AND SCOPE**

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapon (CCW) endorsement for retired deputies of this Sheriff's Office.

Oregon law authorizes honorably retired peace officers from Oregon or other states to carry a concealed weapon in Oregon. This provision does not authorize Oregon retired peace officers to carry concealed weapons in other states ([ORS 166.260](#)).

A "CCW Approved" endorsement is not required for an honorably retired deputy to carry a concealed weapon in Oregon. The endorsement is, however, required for retired deputies who wish to carry concealed weapons in other states in accordance with the provisions of 18 USC 926C and the Firearms and Qualification Policy.

### **220.2 QUALIFIED RETIREES**

Any full time sworn deputy of this Sheriff's Office who was authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement.

- (a) Retiree was regularly employed as a law enforcement officer for an aggregate of 15 years or more.
- (b) For the purpose of this policy, "Honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement; however, shall not include any deputy who retires in lieu of termination.
- (c) Has a non-forfeitable (vested) right to retirement benefits with employing agency.

### **220.3 MAINTAINING A CCW ENDORSEMENT**

In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall:

- (a) Qualify annually with the authorized firearm at a DPSST Basic Police Practical Qualifications Course (PQC) at the retired deputy's expense. Upon verification by this Sheriff's Office that all annual requirements have been met by an otherwise qualified retired deputy, the "CCW Approved" endorsement shall be re-stamped and dated.
- (b) Remain subject to all Sheriff's Office rules and policies regarding firearms, as well as all federal, state, and local laws.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Sheriff's Office.
- (d) The retiree must not be under the influence of alcohol or other intoxicating or hallucinatory drug or substance while carrying the firearm concealed.
- (e) The retiree must not be prohibited by state or federal law from carrying a firearm.

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### *Retired Peace Officer CCW Endorsements*

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HR 218 addresses the carrying of concealed weapons by sworn and retired officers. HR 218 does not provide exemptions for 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 anyone, whether active or retired, from state and local firearm registrations laws.

#### **220.4 IDENTIFICATION CARD FORMAT**

The identification card issued to any qualified and honorably retired officer shall be 2 x 3 inches and minimally contain the following:

- (a) Photograph of the retiree
- (b) Retiree's name, address and date of birth
- (c) Date of retirement
- (d) The Department name
- (e) A stamped endorsement CCW Approved along with the date by which the endorsement must be renewed (not more than one year) or, in the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped No CCW Privilege .

#### **220.5 DENIAL OR REVOCATION OF CCW ENDORSEMENT**

The CCW endorsement for any deputy retired from this Sheriff's Office may be denied or revoked only upon a showing of good cause.

#### **220.6 PROCEDURE**

- (a) Members who retired from the Sheriff's Office in good standing and desire to carry concealed firearms in accordance with HR 218 shall comply with the following:
  1. During the most recent 12 month period, the retiree has met, at their own expense, the Oregon Department of Public Safety Standards and Training (DPSST) firearm qualification standards.
  2. Retirees will schedule their range time at the convenience of the Sheriff's Office Rangemasters overseeing the qualification. Retirees may schedule this during regularly scheduled qualifications if space is available.
  3. The Rangemaster will submit to the Training Sergeant the application of any retirees who successfully qualified with their firearm.
- (b) Retirees residing outside of Oregon or those who choose not to use the Sheriff's Office rangemasters will:
  1. At their own expense, must meet the firearm qualifications standards for their state of residence counterpart to DPSST.
  2. Retirees must submit their completed application and documentation of the qualification on official letterhead from the law enforcement agency overseeing the qualification.

#### **220.7 DOCUMENTATION OF QUALIFIED RETIRED PERSONNEL**

The Training Sergeant will maintain a file for each qualified retiree. The file will include the application of each retiree with a current address and the proof of qualification.

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**Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

### 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Deputies should be vigilant in observing, orienting, deciding, and then acting when responding to calls. There is no difference when responding to an individual(s) who is reported to be intoxicated, emotionally distraught, or mentally ill. In situations where the deputy reasonably believes that a crime has not occurred and the deputy or a third person are not in imminent threat of injury or death, the deputy should consider all appropriate options including withdrawing until the person has regained control of themselves or "calmed down."

A subject threatening to commit suicide is not justification by itself to use force to gain control of the situation. When no evidence of a serious crime or imminent threat of injury to another is present, it is unreasonable for the deputy to endanger their own safety and wellbeing.

When the use of force is appropriate and applied in any given situation, should circumstances that justified the use of force deescalate, so should the use of force.

Passive resistance is never justification for the use of significant force i.e., CED, baton, or focused blows to the body.

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#### **300.2.1 DUTY TO INTERCEDE**

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### **300.3 USE OF FORCE**

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Sheriff's Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

#### **300.3.1 USE OF FORCE TO EFFECT AN ARREST**

A deputy is justified in using force upon another person only when and to the extent that the deputy reasonably believes it necessary (ORS 161.235):

- (a) To make an arrest or to prevent the escape from custody of an arrested person unless the deputy knows that the arrest is unlawful; or
- (b) For self-defense or to defend a third person from what the deputy reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

#### **300.3.2 DEADLY PHYSICAL FORCE PLAN**

[Lincoln County Deadly Physical Force Plan](#)

#### **300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.

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- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

#### **300.3.4 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed Sheriff's Office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the deputy.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

#### **300.3.5 CAROTID CONTROL HOLD**

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The deputy shall have successfully completed Sheriff's Office-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:



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1. The subject is violent or physically resisting.
  2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.
- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
1. Females who are known to be pregnant
  2. Elderly individuals
  3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be examined by paramedics or other qualified medical personnel as soon as practical and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.  
Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:
  1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the deputy or another.
  2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its

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occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Sheriff's Office may require the completion of additional report forms, as specified in policy, procedure or law.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the CED or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

#### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 DIVISION COMMANDER RESPONSIBILITY**

The Division Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

## Use of Force Review Boards

### **302.1 PURPOSE AND SCOPE**

This policy establishes a process for the Lincoln County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### **302.2 POLICY**

The Lincoln County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### **302.3 REMOVAL FROM LINE DUTY ASSIGNMENT**

Generally, whenever an employee's actions or use of force in an official capacity, or while using Sheriff's Office equipment, results in death or very serious injury to another, that employee will be placed in a temporary assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in a temporary assignment in any case.

### **302.4 REVIEW BOARD**

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, to euthanize a non-domesticated animal (deer, elk, etc), or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administrative Lieutenant will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administrative Lieutenant of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### **302.4.1 COMPOSITION OF THE BOARD**

The Administrative Lieutenant should select five Use of Force Review Board members from the following, as appropriate:

- Representation from a non-involved division
- Division Commander from the involved employee's division
- Administrative Lieutenant or Training Sergeant
- Non-administrative supervisor

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- A peer deputy
- A certified peace officer from an outside law enforcement agency
- Sheriff's Office instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

#### **302.4.2 RESPONSIBILITIES OF THE BOARD**

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within policy and procedure.
- (b) The employee's actions were in violation of policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

## Handcuffing and Restraints

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

### 306.2 POLICY

The Lincoln County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and Sheriff's Office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

### 306.3 USE OF RESTRAINTS

Only members who have successfully completed Lincoln County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

#### 306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

#### 306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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#### **306.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

#### **306.3.4 NOTIFICATIONS**

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the Corrections staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

#### **306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Sheriff's Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

All arrestees will be handcuffed or restrained by other devices prior to acceptance at the jail. Handcuffs or other devices should be removed as soon as the arrested person is safely confined within the jail.

#### **306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS**

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt

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medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **306.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Sheriff's Office shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

##### **306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.



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- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **306.8 REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

## **Control Devices and Techniques**

### **308.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### **308.2 POLICY**

In order to control subjects who are violent or who demonstrate the intent to be violent, the Lincoln County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### **308.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this policy may be carried and used by members of this Sheriff's Office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed Sheriff's Office approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### **308.4 RESPONSIBILITIES**

#### **308.4.1 SERGEANT RESPONSIBILITIES**

A Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### **308.4.2 RESPONSIBILITIES**

A member designated by the division commander or designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the designated member or the designated instructor for a particular control device. The inspection shall be documented.

#### **308.4.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the designated person for disposition.

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#### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Sergeant, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

#### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

##### **308.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

##### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile

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system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

#### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

#### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

##### **308.9.1 DEPLOYMENT AND USE**

Only approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

##### **308.9.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.

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- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

#### **308.9.3 SAFETY PROCEDURES**

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **308.10 TRAINING FOR CONTROL DEVICES**

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

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#### **308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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## Conducted Energy Device

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Device (CED).

### 309.2 POLICY

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

#### 309.2.1 APPROVED CEDS

The CED is non-lethal technology that produces an electrical shock by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor response to disorient, temporarily immobilize, and stun a person without causing permanent injuries. CEDs which may be utilized include: The Remote Electronically Activated Control Technology (R-E-A-C-T) Band-It System, the Ultron II, the Ultron II with the Stun-Shot, the Electronic "Ice" Shield and the Thomas A. Smith Electronic Rifle (TASER) M26, X26, X2, X3, or XREP Cartridge.

### 309.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed Sheriff's Office-approved training may be issued and carry the CED.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the inventory.

Deputies shall only use the CED and cartridges that have been issued by the Sheriff's Office. Uniformed deputies who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the CED in the driver's compartment of their vehicle.

When carried while in uniform, deputies shall carry the CED on the side opposite the duty weapon.

- (a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the CED.
- (c) Deputies shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the CED at the same time.

### 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

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- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

#### **309.4.1 DEPLOYMENT OF A CED**

The Electronic Restraint Notification Form shall be completed by the Correctional Deputy utilizing the equipment anytime the REACT Band-It is deployed for use.

Inmates should be asked to sign the Electronic Restraint Notification Form indicating they understand the purpose of the CED.

Should an inmate refuse to sign the form, "Refused to sign" should appear on the inmate's signature line along with signatures from two Deputies. Once the form is filled out and signed they will be placed in the inmate's Jail Booking File (JB).

Whenever practical, the on-duty Corporal or their designee will be present during deployment of the CED in the Correctional Facility.

When practical, no less than two (2) Deputies will be present during deployment of the CED in the Correctional Facility.

Deployment of the CED during the course of a transport will be at the discretion of the Deputy involved in the use of force incident.

An CED should not be used in any environment where potentially flammable, volatile, or explosive materials (gasoline, natural gas, propane, flammable chemicals, Methamphetamine labs, etc.) are present.

#### **309.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

##### **309.5.1 APPLICATION OF THE CED**

The CED may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.



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Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

#### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

The CED shall not be used to psychologically torment, elicit statements or to punish any individual.

#### **309.5.3 TARGETING CONSIDERATIONS**

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the CED probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### **309.5.4 MULTIPLE APPLICATIONS OF THE CED**

Deputies should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CED appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the CED, including:

- (a) Whether the probes are making proper contact.
  - (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
  - (c) Whether verbal commands, other options or tactics may be more effective.
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Deputies should generally not intentionally apply more than one CED at a time against a single subject.

#### **309.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Deputies shall notify a supervisor of all CED discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### **309.5.6 DANGEROUS ANIMALS**

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

#### **309.5.7 CED CAM**

The CED CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the deputy intends to use the device. Because the CED CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the records retention schedule.

#### **309.5.8 OFF-DUTY CONSIDERATIONS**

Deputies are not authorized to carry Sheriff's Office CEDs while off-duty.

Deputies shall ensure that CEDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

### **309.6 DOCUMENTATION**

Deputies shall document all CED discharges in the related arrest/crime report and the use of force report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

#### **309.6.1 CED DOCUMENTATION**

Items that shall be included in reporting the use of the CED are:

- (a) The type and brand of CED and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.

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- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

#### **309.6.2 REPORTS**

The deputy should include the following in the arrest/crime/incident report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

#### **309.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED.

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#### **309.7.1 MEDICAL TREATMENT (CORRECTIONS)**

Inmates who complain of medical problems after use of a CED system will be provided a "Request for Medical Services" form.

The signed form will be delivered to the on-site medical staff during normal business hours.

In all other instances, the Corrections' shift supervisor will determine if the on-call physician should be contacted and/or if a deputy or ambulance should transport the person to the nearest medical facility.

Deputies shall exercise caution when an inmate is moved to a civilian medical facility, as this may be part of a planned escape.

#### **309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### **309.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial Sheriff's Office-approved training. Any personnel who have not carried the CED as a part of their assignment for a period of one year or more shall be recertified by a Sheriff's Office-approved CED instructor prior to again carrying or using the device.

A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for CEDs will be documented in the deputy's training file.

Command staff, supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

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- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CED.

## Officer-Involved Shooting

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

#### 310.1.1 DEFINITIONS

**Involved deputy** - A deputy whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person. As used here, "order to use deadly physical force" means an order issued to another deputy to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident ([ORS 181.789\(a\)](#)).

A deputy whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by a deputy resulted in the death of a person ([ORS 181.789\(b\)](#)):

- Began before or during the use of the deadly physical force; and
- Was reasonably likely to have exposed the deputy to greater stresses or trauma than other deputies experienced as a result of their involvement in the incident before or during the use of the deadly physical force.

#### 310.1.2 SB111 DEADLY PHYSICAL FORCE PLAN

[The Lincoln County Deadly Physical Force Plan.](#)

### 310.2 INVESTIGATION RESPONSIBILITY

This Office conforms to the Lincoln County Sheriff's Office officer involved shooting (OIS) protocol and any other regional OIS protocol as established by law for investigating officer involved shootings.

### 310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. The Sheriff's Office may relinquish its criminal investigation to an outside agency or interagency team with the approval of the Sheriff
- (b) A criminal investigation of the involved deputies conducted by an outside agency or interagency team
- (c) A civil investigation to determine potential liability conducted by the involved deputy's agency
- (d) An administrative investigation conducted by the involved deputy's agency, to determine if there were any violations of department policy

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#### **310.4 JURISDICTION**

Jurisdiction is determined by the location of the shooting and the agency employing the involved deputies. The following scenarios outline the jurisdictional responsibilities for investigating deputy-involved shootings:

##### **310.4.1 LINCOLN COUNTY SHERIFF'S OFFICE DEPUTY WITHIN THIS JURISDICTION**

The Lincoln County Sheriff's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the deputy-involved shooting will be conducted by this agency or an inter-agency team as designated in the Lincoln County Major Crime Team Protocol in conjunction with the District Attorney's Office. The investigation team shall include at least one police officer from an outside law enforcement agency ([ORS 181.789](#)).

##### **310.4.2 OTHER AGENCY'S OFFICER WITHIN THIS JURISDICTION**

The Lincoln County Major Crime Team Protocol is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated in the Lincoln County Major Crime Team Protocol in conjunction with the District Attorney's Office. The deputy's employing agency will be responsible for any civil and/or administrative investigation(s).

##### **310.4.3 LINCOLN COUNTY SHERIFF'S OFFICE DEPUTY IN ANOTHER JURISDICTION**

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Lincoln County Sheriff's Office will conduct timely civil and/or administrative investigations.

##### **310.4.4 INVESTIGATION RESPONSIBILITY MATRIX**

The following table identifies the possible scenarios and responsibilities for the investigation of deputy-involved shootings:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>Lincoln County Sheriff's Office Deputy in this Jurisdiction</b>	Lincoln County Major Crime Team Protocol	Lincoln County Major Crime Team Protocol and District Attorney's Office	Lincoln County Sheriff's Office civil liability personnel	Lincoln County Sheriff's Office Supervisors
<b>Other Agency's Officer in this Jurisdiction</b>	Lincoln County Major Crime Team Protocol	Lincoln County Major Crime Team Protocol and District Attorney's Office	Involved Officer's Department	Involved Officer's Department
<b>A deputy From this department in Another Jurisdiction</b>	Agency where incident occurred	Lincoln County Major Crime Team Protocol dictated by county where incident occurred	Lincoln County Sheriff's Office civil liability personnel	Lincoln County Sheriff's Office Supervisors

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#### **310.5 THE INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting.

##### **310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy.
  1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any deputy, the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Patrol Sergeant and Lincoln County Communications. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.
  1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.
  2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to the station by other deputies.

##### **310.5.2 PATROL SERGEANT DUTIES**

Upon learning of an officer-involved shooting, the Patrol Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or a Division Commander.

##### **310.5.3 NOTIFICATIONS**

The following person(s) shall be notified as soon as practical:

- Sheriff
- Patrol Division Commander
- District Attorney



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- Interagency OIS team
- Supervisors supervisor
- Civil Liability Response Team
- Psychological/Peer support personnel
- Medical Examiner (if necessary)
- Deputy representative (if requested)

All outside inquiries about the incident shall be directed to the Patrol Sergeant.

#### **310.5.4 MEDIA RELATIONS**

A single media release shall be prepared with input and concurrence from the Sheriff or designee and agency representative responsible for each phase of the investigation. This release will be available to the Division Commander in the event of inquiries from the media.

It will be the policy of this Sheriff's Office to not release the identities of involved deputies absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media and no involved deputy shall make any comments to the media unless authorized by the Sheriff or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **310.5.5 INVOLVED DEPUTIES**

Once the involved deputies arrive at the office, the supervisor should admonish each deputy that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved deputies ([ORS 181.789](#)):

- (a) Any request for Sheriff's Office or legal representation will be accommodated.
- (b) While discussions with licensed attorneys will be considered privileged as attorney client communications no involved deputies shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report. Discussions with Sheriff's Office representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (c) Discussions with Sheriff's Office (e.g., association) representatives will be privileged only as to the discussion of noncriminal information, however, no involved deputies shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report.
  1. This does not preclude an initial on the scene greeting. A supervisor will be present for this greeting if available.
- (d) At least two sessions with a mental health professional shall be provided by the Sheriff's Office to each involved deputy within six months after the incident, and, upon request, to any other affected deputy. An involved deputy must attend at least one such session ([ORS 181.789](#)).
  1. Interviews with a mental health professional will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
  2. An interview or session with a mental health professional may take place prior to the involved deputy providing a formal interview or report, but the involved

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deputies shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.

- (e) Communications with peer counselors are confidential and may not be disclosed by any person participating in the peer support counseling session ([ORS 181.860](#)). To be considered confidential communications under the statute, the peer counselor must:
  - 1. Have been designated by a law enforcement agency or employee assistance program to act as a peer counselor, and
  - 2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.
  
- (f) Prior to providing a statement:
  - 1. Allow at least 48 hours to elapse
  - 2. The involved deputy will be allowed a tour of the crime scene after the crime lab as completed their responsibilities and all evidence has been collected
  - 3. The involved deputy will be allowed an opportunity to review any audio or video recordings.

Care should be taken to preserve the integrity of any physical evidence present on the deputy's, equipment and clothing (e.g., blood, fingerprints) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the deputy's physical and emotional needs.

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting. A deputy who uses deadly force that results in the death of a person shall not be returned to a duty assignment that might place him/her in a situation in which he/she has to use deadly force until at least 72 hours immediately following the incident ([ORS 181.789](#)). It shall be the responsibility of the supervisor to make schedule adjustments to accommodate such leave.

## **310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

### **310.6.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Patrol Division Commander to assign appropriate detective personnel to handle the investigation of related crimes in compliance with the Lincoln County Major Crime Team Protocol. Detectives will be assigned to work with the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated under the direction of the District Attorney's Office.

All related reports except administrative and/or privileged reports will be forwarded to the designated supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

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#### **310.6.2 CRIMINAL INVESTIGATION**

It shall be the policy of this office to utilize the District Attorney's Office to provide guidance in a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this office may be assigned to "partner" with investigators from the interagency investigative team so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved deputies in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved deputy:

- (a) Supervisors and administrative investigation personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the deputy will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved deputy or as required by law, no administratively coerced statements will be provided to any criminal investigators.

#### **310.6.3 REPORTS BY INVOLVED DEPUTIES**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Sheriff's Office shall retain the authority to require involved deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved deputy may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved deputies as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved deputies should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved deputies in other reports.

Nothing in this section shall be construed to deprive an involved deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the deputy-involved shooting.

#### **310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

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- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Sheriff's Office personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a county vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

### **310.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with a deputy-involved shooting, this Sheriff's Office will conduct an internal administrative investigation to determine conformance with Sheriff's Office policy. This investigation will be conducted under the supervision of the division commander and will be considered a confidential peace officer personnel file.

- (a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
  - 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, or if there are additional issues that were not covered in the criminal investigation, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain

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the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview).
4. The deputy shall be informed of all constitutional "Miranda" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garrity admonishment).
5. The administrative interview shall be considered part of the deputy's confidential personnel file.
6. The Supervisors shall compile all relevant information and reports necessary for the Sheriff's Office to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Sheriff's Office use of deadly force policy .
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### **310.8 AUDIO AND VIDEO RECORDINGS**

Any deputy involved in an incident may be permitted to review available Mobile Video Recording (MVR) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MVR or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MVR and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel's Office as appropriate.

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# Firearms and Qualification

## 312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Sheriff or his or her designee shall approve all Sheriff's Office firearms before they are acquired and utilized by any member of this Sheriff's Office.

## 312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member without qualifying with a rangemaster.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by policy, may not be carried by personnel in performance of their official duty without the express written authorization of the employee's division commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

### 312.2.1 DUTY WEAPONS

The authorized Sheriff's Office issued handgun is the Glock Model 22 .40 SW.

The following weapons are approved for on-duty use:

MAKE	MODEL	CALIBER
Kimber, Springfield Armory, Les Baer or Wilson Combat.	Govt. Model 1911 or compact model	9mm or .45 ACP
Glock	17, 19, 21, 22, & 23	9mm, .40 or .45

Deputies carrying other primary duty weapons that were authorized prior to March 31, 2005, may continue to carry those previously authorized weapons, as approved by the Sheriff, so long as all other provisions of this policy are complied with.

### 312.2.2 AUTHORIZED SECONDARY FIREARM

Deputies desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, SigSauer, etc.)
- (b) Only one secondary firearm may be carried at a time.
- (c) The secondary firearm and ammunition will be restricted to the following: .38, .380, .357, 9mm, 10mm, .40 S&W, or .45 ACP.
- (d) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (e) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

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- (f) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (g) Ammunition shall be the same as Sheriff's Office issue. If the caliber of the weapon is other than Sheriff's Office issue, the deputy must furnish the ammunition. The ammunition will be factory standard and approved by a Rangemaster. Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.
- (h) Personnel shall qualify with the secondary weapon under range supervision.
- (i) Deputies must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (j) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.

#### **312.2.3 AUTHORIZED OFF-DUTY FIREARM**

The carrying of firearms by certified deputies while off-duty is permitted by the Sheriff, but may be rescinded should circumstances dictate (e.g., administrative leave). Certified deputies who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Browning, SigSauer).
- (b) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the deputy to submit the firearm to the Rangemaster for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (e) Prior to carrying any off-duty firearm, the deputy shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The deputy will successfully qualify with the firearm prior to it being carried and annually thereafter. The range qualification dates will be specified by the Rangemaster.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster.
- (h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the deputy meets all the requirements set forth in this policy for each firearm used.
- (i) Deputies shall only carry authorized ammunition.
- (j) When armed, whether on- or off-duty, deputies shall carry their badge and Sheriff's Office identification.

#### **312.2.4 AMMUNITION**

Deputies shall carry only Sheriff's Office-authorized ammunition.

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#### **312.2.5 ALCOHOL AND DRUGS**

Weapons shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

#### **312.2.6 LASER SIGHTS**

Laser sights are not approved for on-duty use.

#### **312.3 SAFE HANDLING OF FIREARMS**

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

##### **312.3.1 SAFETY CONSIDERATIONS**

- (a) Deputies shall not unnecessarily display or handle any firearm.
- (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Deputies shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Deputies shall not clean, repair, load or unload a firearm anywhere in the Sheriff's Office, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (e) Deputies shall not place or store any firearm or other weapon on Sheriff's Office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the Corrections deputy to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (f) Deputies shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor.
- (g) Any weapon authorized by the Sheriff's Office to be carried on- or off-duty, that is found by the deputy to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to a Sheriff's Office Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by a Sheriff's Office Rangemaster, will be immediately removed from service. If the weapon is the deputy's primary duty weapon, a replacement weapon will be issued until the duty weapon is serviceable.

##### **312.3.2 STORAGE OF FIREARMS AT HOME**

It is the deputy's responsibility to ensure that all firearms and ammunition are safe and secured from children and irresponsible adults while in their homes, vehicles or any other area under their control.

##### **312.3.3 CARRYING OF FIREARMS**

All certified deputies shall carry a weapon while on duty or in uniform.

Detectives are exempt from carrying a weapon when it would directly facilitate accomplishing their task without compromising their safety or the safety of the public. The decision not to carry a weapon shall focus on officer safety, readiness, and the ability to respond appropriately if the need arises. Supervisor approval is required when practical.



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#### **312.4 FIREARMS QUALIFICATIONS**

All certified personnel are required to qualify annually with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of annual qualifications, repairs, maintenance, training or as directed by the Training Sergeant. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all certified personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on, and demonstrate their knowledge and understanding of the department Use of Force policy.

All firearms proficiency training and qualification courses shall be conducted under the supervision of certified firearms instructors.

##### **312.4.1 NON QUALIFICATION**

Certified members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained
- (c) No range credit will be given for the following
  1. Unauthorized range make-up
  2. Failure to qualify after remedial training

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

#### **312.5 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the deputy reasonably believes that they appear necessary, effective and reasonably safe.

#### **312.6 DESTRUCTION OF ANIMALS**

Deputies are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which deputies have sufficient advance notice that a potentially dangerous animal may be encountered, deputies should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED, oleoresin capsicum (OC) spray, animal services deputy). Nothing in this policy shall prohibit any deputy from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

##### **312.6.1 INJURED ANIMALS**

A deputy may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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#### **312.7 REPORT OF FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

#### **312.8 RANGEMASTER DUTIES**

Any person serving in the capacity as a Rangemaster for the Lincoln County Sheriff's Office must be currently certified as a firearms instructor. The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any deputy to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by deputies of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The deputy will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

#### **312.9 MAINTENANCE AND REPAIR**

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

##### **312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS**

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

Any repairs or modifications to the deputy's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

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#### **312.10 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Deputies must carry their department identification card, which must contain a full-face picture, the deputy's signature and the signature of the Sheriff or the official seal of the Department, and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the deputy's travel. The deputy must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Sheriff authorizing armed travel must accompany the deputy. The letter must outline the deputy's need to fly armed, must detail his/her itinerary and should include that the deputy has completed the mandatory TSA training for law enforcement officers flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Deputies should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Deputies shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

#### **312.11 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time deputies and qualified retired deputies (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The deputy shall carry his/her Department identification whenever carrying such weapon.

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- (b) Qualified retired deputies shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The deputy is not the subject of any current disciplinary action.
- (d) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The deputy will remain subject to this and all other Department policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authorities may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### 314.1.1 POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

### 314.2 DEPUTY RESPONSIBILITIES

While engaging in a vehicle pursuit Deputies must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, deputies are generally not required to follow the rules of the road ([Oregon Revised Statutes 820.300](#)). This exemption only applies to emergency vehicles using emergency lights, and sirens ([Oregon Revised Statutes 820.300](#) and [Oregon Revised Statutes 820.370](#)). The following policy is established to provide Deputies with guidelines for driving with due regard and caution for the safety of all persons, as required by [Oregon Revised Statutes 820.300\(2\)](#).

Deputies will comply with the [Lincoln County Inter-Agency pursuit agreement](#).

#### 314.2.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing deputy(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) The emergency equipment present on the vehicles used in the pursuit.
- (j) Vehicle speeds.
- (k) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (l) Availability of other resources such as helicopter assistance.
- (m) The sheriff's unit is carrying passengers other than sheriff's deputies. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

#### **314.2.2 WHEN TO TERMINATE A PURSUIT**

Pursuits should be discontinued whenever the totality of objective circumstances known or which are reasonably known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in Policy Manual § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

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- (a) Distance between the pursuing deputies and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- (b) Pursued vehicle's location is no longer definitely known
- (c) Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- (e) Hazards to uninvolved bystanders or motorists
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a supervisor

#### **314.2.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Whether the pursuit speeds are unsafe for the surrounding conditions.
- (b) Whether the speeds being reached are beyond the driving ability of the deputy.
- (c) Whether the speeds are beyond the capabilities of the police vehicle thus making its operation unsafe.

#### **314.2.4 SPECIAL PURPOSE VEHICLES**

Deputies operating special purpose vehicles such as pick-up trucks or Sport Utility Vehicles (SUVs) will not generally participate in high-speed pursuits other than to follow to provide assistance once the pursuit is ended. Special purpose vehicles will normally not be used as primary pursuit vehicles.

Deputies operating special purpose vehicles such as pick-up trucks or Sport Utility Vehicles (SUVs) shall operate such vehicles within the operational limits of each vehicle, recognizing that utility vehicles and pickup trucks are not designed for pursuit driving and they may handle and perform differently than standard patrol vehicles.

When involved in a pursuit, the operator and supervisor must weigh the performance capabilities of the vehicle with the need to continue keeping this vehicle involved in the pursuit. In any case the special purpose vehicle shall be relieved from the pursuit as soon as a more qualified vehicle is available to take over.

#### **314.2.5 SCHOOL ZONES**

A pursuit may proceed through a school zone. Deputies shall notify the communications center of possible school zones the pursuit may pass through. During normal school hours, the supervisor in charge will direct the communications center to notify the school principal or person in charge of the school. The supervisor in charge may request the affected school be locked-down.

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Deputies will slow down to less than 35 mph or discontinue the pursuit:

- (a) During normal school hours; or
- (b) When children are present; or
- (c) When ordered to discontinue the pursuit by a supervisor.

### **314.3 PURSUIT UNITS**

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspect(s). All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

#### **314.3.1 VEHICLES WITHOUT OVERHEAD LIGHT BARS**

Absent a reasonable alternative, and then only when human life is in immediate danger, Sheriff's Office vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies driving units without an overhead light bar should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles. The exemptions provided by [Oregon Revised Statutes 820.300](#) do not apply to deputies using vehicles which do not qualify as emergency vehicles under [Oregon Revised Statutes 801.260](#).

#### **314.3.2 PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify the communications center that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

In order to concentrate on pursuit driving the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to a secondary unit or aircraft joining the pursuit, unless practical circumstances indicate otherwise.

#### **314.3.3 SECONDARY UNIT(S) RESPONSIBILITIES**

The second deputy in the pursuit is responsible for the following:

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- (a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit
- (c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

#### **314.3.4 PURSUIT DRIVING TACTICS**

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect(s).
  - 4. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.
- (c) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

#### **314.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor.

Non-pursuing personnel assigned to assist at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless directed otherwise by a supervisor.

The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

#### **314.3.6 PURSUIT TRAILING**

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

#### **314.3.7 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

#### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this Sheriff's Office that available supervisory and management control will be exercised over all motor vehicle pursuits involving deputies from this office.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage LCSO units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

#### **314.5 COMMUNICATIONS**

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

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#### **314.5.1 COMMUNICATION CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, the communication center will:

- (a) Clear the channel on which the pursuit is being broadcast
- (b) Coordinate pursuit communications of the involved units and personnel
- (c) Notify and coordinate with other involved or affected agencies as practical
- (d) Ensure that a field supervisor is notified of the pursuit
- (e) Assign an incident number and log all pursuit activities
- (f) Broadcast pursuit updates as well as other pertinent information as necessary

#### **314.5.2 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **314.6 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

##### **314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this agency is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

##### **314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the agency whose deputies are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.

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- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing deputies.

As soon as practical, the supervisor should review a request for assistance from another agency. The supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by deputies of this office will terminate at the County limits provided that the pursuing deputies have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to peace officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **314.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.

#### **314.7.1 WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision.

It is imperative that deputies act within the bounds of legality, good judgment and accepted practices.

#### **314.7.2 DEFINITIONS**

**Blocking or Vehicle Intercept** - A very low speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a slow moving or stopped suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle. This tactic is also often referred to as a roadblock, barricade or blockade.

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**Pursuit Intervention Technique (PIT)** - is a low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit

**Spikes or Tack Strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

#### **314.7.3 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### **314.7.4 INTERVENTION STANDARDS**

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Deputies who have not received certified training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  - 4. The target vehicle is stopped or traveling at a low speed.
  - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those deputies who have received sheriff's office approved (beyond the basic academy) training in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making

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process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

- (d) As with all intervention tactics, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public. Any roadblock implemented should include reasonable line-of-sight distance permitting the suspect to recognize, react to and stop before striking the roadblock.

#### **314.7.5 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor the primary deputy should coordinate efforts to apprehend the suspect(s) following the pursuit. Deputies should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

#### **314.8 REPORTING REQUIREMENTS**

The following reports should be completed to comply with appropriate local and state regulations:

- (a) The primary deputy shall complete appropriate crime/arrest reports
- (b) A field supervisor shall complete a Supervisor's Log summarizing the pursuit to his/her division commander to evaluate the pursuit in terms of Department policy. The log shall minimally contain the following information:

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1. Date and time of pursuit
2. Length of pursuit
3. Involved units and deputies
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy
11. Determine the need for any additional review and/or follow up

#### **314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all certified patrol members of this Sheriff's Office will participate no less than annually in regular and periodic Sheriff's Office training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

#### **314.8.2 ANNUAL REVIEW**

During the first calendar quarter of each year, the Patrol Division Commander will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as deputy names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.

## Foot Pursuit

### 315.1 PURPOSE AND SCOPE

The safety of Sheriff's Office personnel and the public is paramount and shall be the overriding consideration in determining whether or not a foot pursuit will be initiated or continued.

Foot pursuits cannot be governed, in a general way, by any rigid rule. In most instances, some latitude of action must be left to the good judgment and common sense of the Deputy. The need for chasing a fleeing person must be carefully weighed against the risk involved. Deputies must be mindful that immediate apprehension of a suspect is generally not more important than the safety of the Deputy and public. An unreasonable desire to apprehend a fleeing suspect at all costs is not acceptable under this policy.

#### 315.1.1 POLICY

It is the policy of this office to assertively apprehend fleeing suspects in a manner that maximizes the safety of our Deputies and public, while giving due consideration to Sheriff's Office policy and use of force options.

#### 315.1.2 DEFINITIONS

**Foot pursuit** - An attempt by a Sheriff's Office member to follow, chase, or track on foot, a fleeing person who is attempting to avoid arrest, detention, or observation.

**Supervisor** - A sworn law enforcement Deputy or officer who is of the rank of sergeant or above, or is the designated Deputy or officer in charge.

### 315.2 WHEN FOOT PURSUIT IS AUTHORIZED

- (a) Where necessary an officer may pursue on foot persons who they reasonably believe have committed an act that would warrant a stop, investigative detention, or arrest.
- (b) Unless exigent circumstances exist, such as an immediate threat to the safety of officers or members of the public, Deputies shall not engage in, or shall terminate, a foot pursuit under the following conditions:
  1. The Deputy is unsure of their location and direction of travel.
  2. Deputies are pursuing multiple suspects and would be unable to control them if a confrontation took place.
  3. The Deputy loses communication with the communications center or backup officers.
  4. The suspect enters a building, structure, confined space, or into wooded or otherwise isolated areas without sufficient backup and containment of the area.
  5. The Deputy or supervisor believes the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension.
  6. The Deputy loses visual contact with the suspect for a sustained period of time.
  7. The Deputy or a third party is injured during the pursuit and they require immediate assistance.



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8. The identity of the suspect is established or other information exists that allows for the suspect's apprehension at a later time and there is no immediate threat to the public or officers.
9. A supervisor directs the foot pursuit be terminated.
10. The Deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

### **315.3 PROCEDURE**

- (a) The Deputy's decision to pursue on foot must be made with an awareness of the potential risks the Deputy and others will be exposed to.
- (b) In deciding whether or not to initiate a foot pursuit, a Deputy shall consider alternatives to pursuit, including:
  1. Containment of the area.
  2. Saturation of the area with patrol personnel.
  3. When the identity of the suspect is known, consider apprehension at another time if the safety of the public and other officers would not be jeopardized.
- (c) Deputies initiating a foot pursuit shall broadcast the following information as soon as possible:
  1. Suspect location and direction of travel.
  2. Reason for the foot pursuit.
  3. Number of suspects and description.
  4. Whether the suspect is known to be armed.
- (d) When a foot pursuit terminates, the Deputy will notify the communications center with their location, the reason for termination (suspect in custody, lost sight of suspect, etc.), and direct further actions as necessary.
- (e) Supervisor responsibilities:
  1. Upon becoming aware of a foot pursuit, the supervisor shall control and coordinate responding resources.
  2. The supervisor will continuously assess the situation in order to ensure the foot pursuit is conducted within established guidelines and the safety of the Deputy and public is not compromised.
  3. After termination of a foot pursuit the supervisor should conduct a critique with those involved in the incident to ensure compliance with Sheriff's Office policy was maintained and will make appropriate tactical recommendations for future pursuits.
- (f) Communications Center Responsibilities:
  1. The communications center will impose emergency channel restrictions for the duration of the foot pursuit.
  2. Upon notification of a foot pursuit, the communications center will immediately advise the appropriate certified supervisor and maintain continuous contact until the pursuit is resolved.
  3. The communications center will notify state and local police agencies in the area of the pursuit.

## Deputy Response to Calls

### 316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

### 316.2 RESPONSE TO CALLS

Deputies shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Deputies responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to [ORS 820.300](#) and [ORS 820.320](#). Deputies shall only use the wail and yelp function of the siren as an emergency sound. The hi-lo function of the siren is not considered an emergency sound pursuant to [OAR 735-110-0000\(8\)](#) and [OAR 735-110-0010\(1-3\)](#).

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons.

[ORS 820.320\(2\)](#) allows deputies to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence, Deputies who fail to use appropriate warning equipment, are not exempt from following the rules of the road ([ORS 820.300](#)).

Deputies responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

#### 316.2.1 UNMARKED PATROL VEHICLES

Deputies operating unmarked police vehicles must exercise caution when responding to emergency calls. Deputies should be mindful that unmarked vehicles are not equipped with the high visibility overhead lights and Sheriff decals. Unmarked police vehicles may be more difficult for motorists to detect than marked police vehicles. Therefore, speeds should be reduced accordingly.

### 316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify the communications center.

If circumstances permit, the requesting deputy should give the following information:

- The unit number
- The location

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- The reason for the request and type of emergency
- The number of units required

#### **316.3.1 NUMBER OF UNITS ASSIGNED**

Normally, no more than two units should respond to an emergency call Code-3 unless the field supervisor authorizes an additional unit(s).

#### **316.4 INITIATING CODE 3 RESPONSE**

Generally, no more than two units should respond Code-3 to any situation. Should additional deputies believe a Code-3 response is appropriate, Lincoln County Communications shall be notified and the field supervisor will make a determination as to whether any additional deputies driving Code-3 is appropriate.

#### **316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)**

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections as may be necessary for safe operation.

The decision to continue a Code-3 response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the communications center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, a deputy shall immediately give the location from which he/she is responding.

#### **316.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall assign cover officers to respond when a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the supervisor
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the field supervisor

#### **316.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the field supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response

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(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

### **316.8 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the field supervisor, or the communications center of the equipment failure so that another unit may be assigned to the emergency response.

## Civil Process

### **317.1 PURPOSE AND SCOPE**

To establish procedures for the service of subpoenas, court orders and other civil process by Sheriff's Office personnel.

#### **317.1.1 POLICY**

It is the policy of this Office to serve all civil process, court orders, summons and complaints, forced eviction and detainer, citations, motions, petitions, restraining orders, subpoenas and writs of assistance in accordance with applicable Oregon Revised Statute.

### **317.2 CIVIL PROCEDURES**

- (a) Deputies will serve the following civil process in accordance with Oregon Revised Statute in the manner prescribed below:
1. Personal Service-Service must be made to the person named in the papers to be served.
  2. Substitute Service-Service to someone other than the person named in the papers. If substituted service is made the name, age, and relationship of the person actually served must appear on the case jacket and this person must be over 14 years of age and living in the same residence.
  3. Official Service-Service may be made by leaving a true copy of the summons and complaint at the office of the business the person operates, with the person who appears to be in charge.
- (b) Civil process papers may be served differently depending on the type of paper to be served. The following list specifies how each type of civil process will be served:
1. Service of Summons and Complaint - F.E.D. must be served on the date specified on the top portion of the envelope.
  2. Service of Citations must be made by personal service before the date specified at the top portion of the envelope.
  3. Service of Motions must be made by personal service to the person named in the papers.
  4. Service of Affidavits must be made by personal service to the person named in the papers.
  5. Service of Petitions must be made by personal service to the person named in the papers.
  6. Service of Order, Appearance and Show Cause must be made by personal service before the date specified at the top of the envelope.
  7. Service of Notices must be made by personal service to the person named in the papers.
  8. Service of Restraining Order must be made by personal service to the person named in the papers and must be served as soon as possible.
  9. Service of Execution of Restitution may be served to the person named in the papers or if not home may be posted on the door.
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10. Service of Out of State Papers must be made by personal service unless otherwise specified.
11. Service of Criminal Subpoenas must be made by personal service no later than the date specified at the top of the envelope. Serve the copy and return the original by signing it and placing it back in the envelope.
12. Service of Juvenile Summons and Petition must be made by personal service before the date at the top of the envelope. If the person to be served is under 14 years of age, service must be done in the presence of a parent or legal guardian.
13. Service of Summons and Complaint or Trustees Notice of Sale must be made by delivering the summons with a copy of the complaint to: If the action is against a private corporation, to the registered agent or head of the corporation or corporate officer; If against any county, incorporated city, school district, etc., to the Clerk or Secretary thereof; If against a minor under the age of 14 years of age, to the minor personally and also to his parent or legal guardian; If against a person judicially declared to be of unsound mind or incompetent or incapable of conducting his own affairs, to the defendant personally and his legal guardian; If against a person who is a resident of this state and who has appointed his agent or attorney to receive and accept such services, then to such attorney or agent; In all other cases, to the defendant personally, or if they are not found, to some person of the family over the age of 14 who lives in the same residence.

## Civil Standbys

### **318.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide deputies with guidance for civil standbys.

### **318.2 PROCEDURE**

Deputies will only respond to child custody or household dissolution disputes when there is an in progress threat to the personal safety of the person(s) involved. The Deputy responding to a child custody or household dissolution dispute has no authority to give custody of children to either parent, unless the person demanding custody has legal documents awarding them custody. The Deputy responding to a household dissolution dispute has no authority to give property to either party, unless acting under a writ of assistance issued by the court. Deputies may allow parties to obtain personal items such as a change of clothing, and personal hygiene items. The Deputy may take the children into protective custody that the Deputy believes would be in danger by remaining in the home. Persons requesting child custody or household dissolution information will be advised to contact their attorney. All requests for service of court orders shall be referred to the Civil Division.

Deputies will not provide a civil standby without a court order. There is no statutory authority to do a civil standby without a court order. Examples of court orders would be a restraining order, writ of assistance, order of assistance, etc.

Deputies will not provide legal advice in regards to what type of court order is required.

## **Domestic Violence**

### **320.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

#### **320.1.1 DEFINITIONS**

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### **320.2 POLICY**

The Lincoln County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### **320.3 OFFICER SAFETY**

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

### **320.4 INVESTIGATIONS**

The following guidelines should be followed by deputies when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by



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a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact a deputy or detective in the event that the injuries later become visible.

- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.
  - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

#### **320.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### **320.4.2 IF NO ARREST IS MADE**

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

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- (b) Document the resolution in a report.

#### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

#### **320.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

#### **320.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

#### **320.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.

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- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

#### **320.8.1 SERVICE OF COURT ORDERS**

Deputies should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any deputy serving such a restraining order shall ensure that a copy of proof of service is returned to the Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system ([ORS 107.720](#)).

#### **320.9 STANDARDS FOR ARREST**

- (a) Deputies who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in [ORS 107.705](#), or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant ([ORS 133.055](#)).
- (b) Dual arrests are not required ([ORS 133.055](#)). Deputies shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, a deputy shall consider:
  1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
  2. If reasonably ascertainable, the history of domestic violence between the persons involved.
  3. Whether any alleged crime was committed in self-defense.
  4. The potential for future assaults.
- (c) Once a suspect has been arrested under the provisions of [ORS 133.055](#), the suspect shall be taken to jail. Deputies have no authority to release the arrested person.
- (d) Deputies shall arrest and take a suspect into custody when the deputy has probable cause to believe that a restraining order has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order ([ORS 133.310](#)).

#### **320.10 REPORTS AND NOTIFICATIONS**

Deputies should document in their report that they provided each domestic violence victim with a copy of the department's domestic violence victim information handout ([ORS 133.055](#)).

Reporting deputies should also provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

## Search & Seizure

### 322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Lincoln County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 322.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

### 322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

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- (a) Members of this office will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
  1. Another deputy or a supervisor should witness the search.
  2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **322.5 DOCUMENTATION**

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and policy have been met.

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## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Lincoln County Sheriff's Office (42 USC § 5633).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This includes a juvenile taken into protective custody when conditions or surroundings reasonably appear to jeopardize the juvenile's welfare or when it reasonably appears that the child has run away from home ([ORS 419B.150](#)). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

**Juvenile offender** - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of [ORS 166.250](#) (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult holding area, whether or not the cell door is locked.

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**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

### **324.2 POLICY**

The Lincoln County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Lincoln County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **324.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Lincoln County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Lincoln County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

### **324.4 CUSTODY OF JUVENILES**

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Lincoln County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Lincoln County Sheriff's Office without authorization of a Patrol Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond five hours from the time of his/her entry into the Lincoln County Sheriff's Office ([ORS 419B.160](#); [ORS 419C.130](#)).

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#### **324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Lincoln County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

#### **324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

#### **324.4.3 CUSTODY OF JUVENILE OFFENDERS**

Generally, a juvenile offender may be taken into custody:

- (a) When it reasonably appears that the juvenile is a fugitive from another state ([ORS 419C.145](#)).
- (b) When there is a court order endorsed as provided in [ORS 419C.306](#) and directing that the juvenile be taken into custody ([ORS 419C.080](#)).
- (c) When, if the juvenile were an adult, he/she could be arrested without a warrant ([ORS 419C.080](#)).

A deputy shall take a juvenile into custody when the deputy has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device ([ORS 419C.080](#)).

Generally, a deputy may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney ([ORS 419C.085](#)).

Juvenile offenders should be held in non-secure custody while at the Lincoln County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

#### **324.4.4 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS**

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances ([ORS 419C.100](#)):

- (a) The court has issued a warrant of arrest for the juvenile.
- (b) The deputy has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.
- (c) When the deputy has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the deputy shall take the juvenile to the county juvenile detention facility or appropriate shelter ([ORS 419C.103](#)).

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#### **324.5 NOTIFICATION TO PARENT OR GUARDIAN**

As soon as practicable after a juvenile is taken into custody, the deputy taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following ([ORS 419B.160](#); [ORS 419C.097](#)):

- (a) Reason the juvenile was taken into custody
- (b) Location where the juvenile is being temporarily detained
- (c) Intended disposition
- (d) Time and place of any hearing

#### **324.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Sheriff's Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Lincoln County Sheriff's Office.
- (c) Patrol Sergeant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

#### **324.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Sheriff's Office (42 USC § 5633). There should also be sight and sound separation between non-offenders and status offenders.

In situations where brief or accidental contact may occur a member of the Lincoln County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

#### **324.8 TEMPORARY CUSTODY REQUIREMENTS**

Members assigned to monitor or process any juvenile at the Lincoln County Sheriff's Office shall ensure the following:

- (a) The Patrol Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Lincoln County Sheriff's Office more than four hours. This will enable the Patrol Sergeant to ensure no juvenile is held at the Lincoln County Sheriff's Office more than five hours.

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- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted in the report.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

#### **324.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Lincoln County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of a supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

#### **324.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Lincoln County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

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The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Lincoln County Sheriff's Office.

#### **324.11 SECURE CUSTODY**

Only juvenile offenders 14 years or older may be placed in secure custody. Patrol Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this office should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

#### **324.11.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.
- (b) Juveniles shall have constant auditory access to members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.
  1. All checks shall be logged.
  2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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#### **324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

A supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Lincoln County Sheriff's Office. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Division Commander and Sheriff.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County Counsel.
- (e) Evidence preservation.

#### **324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

#### **324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile taken into custody under [ORS 419C.080](#) shall be photographed and fingerprinted ([ORS 419A.250\(2\)](#)).

Other juveniles taken into custody may only be fingerprinted or photographed ([ORS 419A.250\(1\)](#)):

- (a) Pursuant to a search warrant.
- (b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.
- (c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.
- (d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository ([ORS 419A.250](#)).

#### **324.15 RECORDS**

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults ([ORS 419A.250](#)).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in Records Release and Security Policy.

## Elder Abuse

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse.

#### 326.1.1 POLICY

It is the policy of the Lincoln County Sheriff's Office to treat reports of violence against elderly persons as a high priority criminal activity. This office will investigate all allegations of abuse of elderly persons and persons with disabilities and will work cooperatively with the appropriate agencies and resources to reduce the incidence of abuse. Each incident will be fully investigated and documented in a written report, regardless of the relationship between the victim and the suspect. All cases of suspected elder abuse reported to and/or investigated by the Lincoln County Sheriff's Office will follow the countywide protocol established by the District Attorney's multi-disciplinary elder abuse team, if applicable ([ORS 430.731](#)).

### 326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided

#### Abuse of an Elder or Dependent Adult -

- (a) Any physical injury caused by other than accidental means, or which appears to be at variance with the explanation of the injury
- (b) Neglect or failure to provide basic care which leads to physical harm through withholding of services necessary to maintain health and well being.
- (c) Abandonment, including desertion or willful forsaking of an elderly or dependent person or the withdrawal or neglect of duties and obligations owed an elderly or dependent person by a caretaker or other person.
- (d) Unlawful sexual contact.
- (e) Financial exploitation, fraud or the illegal or improper use of a resident's resources for the personal profit or gain of another person.
- (f) Verbal or mental abuse of a resident of a long-term care facility as prohibited by federal law.
- (g) Involuntary seclusion of a resident of a long-term care facility for convenience or discipline.
- (h) Any other criminal act perpetrated against an elderly or dependent persons as a result of another person's legal duty or responsibility for providing care to the elderly or dependent person.

**Adult Protective Services Agency** - means the Oregon State Department of Human Services, Seniors and People with Disability Division or a county welfare department providing services to elderly or dependent persons.

For purposes of Criminal Mistreatment statutes, the following definitions are provided ([Oregon Revised Statutes 163.205\(2\)](#)).

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**Dependent Person** - a person who, because of age or a physical or mental disability, is dependent upon another to provide for the person's physical needs.

**Elderly Person** - any person 65 years of age or older.

**Legal Duty** - includes, but is not limited to a duty created by family relationship, court order, contractual agreement, or statutory or case law.

### **326.3 MANDATORY REPORTING REQUIREMENTS**

Deputies are required to report suspected abuse of elders and residents of long-term care facilities. With respect to elders, any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older shall report or cause a report to be made as required in [Oregon Revised Statutes 124.065 \(Oregon Revised Statutes 124.060 and 441.640\)](#).

With respect to residents of long-term care facilities, the deputy must also make a report as specified above ([Oregon Revised Statutes 441.640](#)).

### **326.4 DEPUTY'S RESPONSE**

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

#### **326.4.1 INITIAL RESPONSE**

Deputies may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

#### **326.4.2 STABILIZE THE SITUATION**

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately
- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention

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#### **326.4.3 SUPPORT PERSONNEL**

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Department of Human Services, Seniors and People with Disability Division

#### **326.4.4 ENFORCEMENT ACTION**

Based on the results of the investigation and considering the safety of the abuse victim, deputies may make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

Relevant statutes may include, but are not limited to, Criminal Mistreatment 1st or 2nd Degree, assault, sex offenses, or any statutes relating to theft or fraud.

#### **326.5 ELDER ABUSE REPORTING**

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim.
- Victim's condition/nature and extent of injuries, neglect or loss.
- Names of agencies and personnel requested and on scene.
- If the investigation finds reasonable cause to believe that abuse has occurred, the deputy will notify the appropriate local office of the Department of Human Services and ensure a copy of the report is routed to that office.

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

The Oregon Long-Term Care Ombudsman shall also be notified if the abuse is in a long-term care facility.

## **Discriminatory Harassment**

### **328.1 PURPOSE AND SCOPE**

This policy is intended to prevent members from being subjected to discrimination or sexual harassment.

### **328.2 POLICY**

The Lincoln County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive, corrective and disciplinary action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### **328.3 DISCRIMINATION PROHIBITED**

#### **328.3.1 DISCRIMINATION**

The Sheriff's Office prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.



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#### **328.3.2 SEXUAL HARASSMENT**

The Sheriff's Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

#### **328.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and [ORS 659A.030\(1\)\(a\)](#)
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

#### **328.4 RESPONSIBILITIES**

This policy applies to all personnel. All members shall follow the intent of these guidelines in a manner that reflects policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Sheriff, or Personnel Director.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **328.4.1 SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

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- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Sheriff or Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### **328.4.2 SUPERVISOR'S ROLE**

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of our Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

#### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

##### **328.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not solve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

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#### **328.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation ([ORS 659A.199](#)).

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff or Personnel Director.

#### **328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Sheriff's Office. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **328.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

#### **328.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff or the Personnel Director if more appropriate.
- Maintained for the period established in the records retention schedule.

#### **328.8 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation.

All employees shall receive annual training on this policy.

#### **328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff, or the Personnel Director, or they may contact the Bureau of Labor and Industries (BOLI) at their various field offices or by visiting their web site at [www.boli.state.or.us](http://www.boli.state.or.us).

## Child Abuse

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Lincoln County Sheriff's Office members are required to notify the Department of Human Services (DHS) of suspected child abuse.

#### 330.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency ([ORS 419B.010](#)).

### 330.2 POLICY

The Lincoln County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

### 330.3 MANDATORY NOTIFICATION

Members of the Lincoln County Sheriff's Office shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse ([ORS 419B.010](#)).

For purposes of notification, a child is an unmarried person under 18 years of age ([ORS 419B.005\(2\)](#)).

For purposes of notification, abuse of a child includes, but is not limited to, assault or physical injury of a non-accidental nature, rape, sexual abuse or sexual exploitation including contributing to the sexual delinquency of a minor, threatened harm, negligent treatment or maltreatment, buying or selling a child, unlawful exposure to a controlled substance, permitting a child to enter or remain in or upon premises where methamphetamines are manufactured, or any other act described in [ORS 419B.005\(1\)\(a\)](#).

#### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows ([OAR 413-015-0305](#)):

- (a) Verbal notification to DHS shall be made immediately when the deputy determines that the report of alleged abuse or neglect requires an immediate joint response.
- (b) Verbal, electronic transmission or hand-delivered notification to DHS of all other reports of child abuse or neglect shall be made by the end of the next business day.
- (c) Notification, when possible, should include:
  1. The name and contact information of the confidential reporter.
  2. The name, address and age of the child.

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3. The name and address of the child's parents or other person who is responsible for care of the child.
4. The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
5. The explanation given for the abuse or neglect.
6. Where the abuse or neglect occurred.
7. Identity and whereabouts of the alleged perpetrator.
8. Any other information that the person making the report believes might be helpful in establishing the cause of the abuse or neglect and the identity and whereabouts of the perpetrator.
9. The name and contact information for the assigned DHS worker and deputy.

When the abuse occurs at a facility or by a person from a facility that requires a state license from the Oregon Employment Department, Child Care Division (e.g., child care facility), notification shall also be made to that agency ([ORS 419B.020](#)).

#### **330.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Participate in or coordinate with multidisciplinary investigative teams as applicable ([ORS 418.747](#)).

#### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.

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- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **330.5.1 KARLY'S LAW**

In all cases of suspicious physical injury to a child, the investigating deputy shall, in accordance with any relevant county multidisciplinary team protocols, ([ORS 419B.023](#)):

- (a) Immediately photograph or caused to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in [ORS 419B.028](#).
- (b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later ([ORS 419B.028\(2\)](#)).
- (c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating deputy must ensure that the child is evaluated by an available physician.

#### **330.5.2 INVESTIGATIONS ON PUBLIC SCHOOL PREMISES**

When an investigation of child abuse is conducted on public school premises, the investigating deputy shall first notify the school administrator of the investigation, unless the school administrator is a subject of the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the affected child, the investigating deputy shall be advised of the child's disabling conditions, if any ([ORS 419B.045](#)).

#### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact DHS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to DHS.

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Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations ([ORS 419B.150](#)):

- (a) When the child's condition or surroundings reasonably appear to jeopardize the child's welfare.
- (b) When the juvenile court has issued a valid order that the child is to be taken into protective custody.
- (c) When it reasonably appears that the child has run away from home.

#### **330.6.1 NOTICE TO PARENTS**

When a deputy takes a child into protective custody, if possible, the deputy shall:

- (a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day.
- (b) Advise the reason the child has been taken into custody.
- (c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers ([ORS 419B.020](#)).

#### **330.6.2 SAFE HAVEN PROVISION**

A parent may leave an infant who is not more than 30 days old at an authorized facility, including this Sheriff's Office, as long as the child has no evidence of abuse ([ORS 418.017](#)).

When an infant is surrendered to this office, members of Lincoln County Sheriff's Office shall follow the provisions set forth in [ORS 418.017](#).

### **330.7 INTERVIEWS**

#### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.



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3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

### **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **330.8.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE**

When a deputy is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child ([ORS 419B.020](#)).

### **330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### **330.9.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should:

- (a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies a Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

#### **330.9.2 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate.
- (b) Notify Supervisor so an interagency response can begin.



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#### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Oregon requires or permits the following:

##### **330.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy ([ORS 419B.035](#)).

##### **330.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL**

A Supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members ([ORS 418.747](#)).

##### **330.10.3 CHILD FATALITY REVIEW TEAMS**

This office should cooperate with any child fatality review team and investigation ([ORS 418.785](#)).

#### **330.11 TRAINING**

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate.

## Missing Persons

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  1. Out of the zone of safety for his/her chronological age and developmental stage.
  2. Mentally or behaviorally disabled.
  3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  5. In a life-threatening situation.
  6. In the company of others who could endanger his/her welfare.
  7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Oregon Law Enforcement Data System (LEDS) and the Oregon State Police Missing Children Clearinghouse.

### 332.2 POLICY

The Lincoln County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Lincoln County Sheriff's Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

A Supervisor shall ensure the following forms and kits are developed and available:

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- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical records release form from hospital
- Biological sample collection kits

#### **332.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

#### **332.5 INITIAL INVESTIGATION**

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a Be on the Look-Out (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  1. A photograph and fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information

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relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

#### **332.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and submit to a supervisor for review.

##### **332.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Records Section.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

##### **332.6.2 RECORDS SECTION RESPONSIBILITIES**

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Section.

##### **332.7 DETECTIVE SECTION FOLLOW-UP**

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  1. The notice shall be in writing and should also include a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the juvenile's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Shall, if the person has not been located within 30 days, ensure that a biological sample, if available, is forwarded to the Oregon State Police ([ORS 146.187](#)).

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- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update the Oregon LEDS, the Oregon State Police Missing Children Clearinghouse, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (g) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.
- (j) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police.
- (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

### **332.8 A CHILD IS MISSING PROGRAM**

The first several hours after a child, elderly (often with Alzheimer's, Dementia), college student on campus or disabled person is reported missing can be critical to the successful outcome of the case. A Child Is Missing Alert program (ACIMA) is a valuable tool for law enforcement if used properly. A Child Is Missing Alert will generate telephone calls to local residents within fifteen (15) minutes after initiation by law enforcement.

It is the policy of the Lincoln County Sheriff's Office to utilize A Child Is Missing Alert only for missing children, elderly, college students on campus and disabled persons whenever the criteria of the following procedures are met.

A Child Is Missing Alert is an additional tool for law enforcement. It does not replace or preclude a thorough investigation and/or search by law enforcement officers in the field, or take the place of the AMBER ALERT.

#### **332.8.1 FACTORS FOR DETERMINING USE OF ACIMA**

Juveniles:

- (a) The juvenile should be 17 years or younger
- (b) The reporting person must be an adult family member, teacher, or another adult (guardian) who is responsible for the child/individual
- (c) If the juvenile is a habitual runaway, ACIMA would be used if foul play is suspected, or at the agency's discretion
- (d) A first-time runaway should be called on
- (e) Stranger abduction prior to calling the Amber Alert.

Senior Citizens:

- (a) The person must be 55 years of age or older
- (b) Out-of-character for the elderly person

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- (c) ACIMA should be used even if an elderly person is a frequent walk away from a nursing facility
- (d) Known Alzheimer's or Dementia patient

#### Disabled Person:

- (a) There is no age stipulation for a disabled person
- (b) For purposes of the ACIMA, a disabled person will fall into one of the following categories:
  - 1. The person has a physical or mental impairment that severely limits self-care
  - 2. The person is disoriented or unable to respond to simple questions
  - 3. The person is dependent upon life sustaining medication or unconscious
  - 4. The approving supervisor may take into account exigent circumstances that may influence using ACIMA even if the person is a habitual runaway or walk-away. Examples of these circumstances are: suspected foul play, imminent severe weather, etc.

### **332.8.2 PROCEDURE**

When the decision to use ACIMA has been made, the investigating deputy will immediately call A Child Is Missing 24/7, 365.

The approving supervisor will determine what phone number will be supplied to ACIMA for the public to contact the Sheriff's Office with information about the missing person. Contact the communications center to make them aware that ACIMA will be working on the case with the deputy. The investigating deputy will call ACIMA at 1-888- 875-2246 or page the operator at 1-954-492-4778 Follow-Up Investigation:

- (a) When the missing person is found, the supervisor or investigating deputy will call A Child Is Missing to report the recovery. A "Case Follow-Up Report" will be faxed to the Sheriff's office. The deputy/supervisor in charge of the case will fill out the report and fax it back to A Child Is Missing (954-763-4569). This report will be sent through channels to be included with the original NIBRS report.

### **332.9 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Division shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Oregon State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at-risk, the fact that the person has been found should be reported within 24 hours to the Oregon State Police.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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- (f) All information and materials obtained for the purpose of identifying the missing person are destroyed if the person is found, or sealed if the person is found to be no longer living ([ORS 146.189\(2\)](#)).

#### **332.9.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **332.10 CASE CLOSURE**

A Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Lincoln County or this agency is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this agency is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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## Public Alerts Including Amber Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), mass calling system, local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Lincoln County Sheriff's Office should notify their supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor should promptly notify the appropriate Division Commander when any public alert is generated.

The supervisor in charge of the incident to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Cancelling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

### 334.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

#### 334.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

- (a) There is confirmation that a child abduction has occurred.
- (b) The child is under 18 years of age.
- (c) The child may be in danger of serious bodily harm or death.



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- (d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.
- (e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

#### **334.4.2 PROCEDURE**

When a deputy receives a report of a missing child and there is a possibility the child was abducted, the deputy will complete an [Amber Alert Checklist](#). Any employee receiving an abduction report shall notify the appropriate Patrol Supervisor as soon as practical. The Patrol Supervisor will then determine whether or not the abduction meets the criteria for triggering an Amber Alert. The Patrol Supervisor shall promptly notify the Sheriff and the appropriate Division Commander.

- (a) The investigating deputy will provide the necessary information to the Patrol Supervisor who will coordinate with the Northern Command Center for activation of the AMBER Alert and the release of the information.
- (b) If it is determined through the preliminary investigation that the abduction fits the criteria for an AMBER Alert, the Patrol Sergeant will contact the Oregon State Police Northern Command Center in Salem at 503-375-3555 to request activation of an AMBER Alert and provide them with the abduction information.
- (c) The Patrol Supervisor will activate the Major Crime Team. The lead investigator determine if the Oregon State Police or an investigator from the Major Crime Team will staff the tip line phones.
- (d) The Patrol Supervisor will prepare an initial media release that includes all available information which might aid in locating the child, such as:
  - 1. The child's identity, age, physical and clothing description.
  - 2. Photograph if available.
  - 3. The suspect's identity, age, physical and clothing description, if known.
  - 4. Pertinent vehicle license number and description if known.
  - 5. Detail regarding location of incident, direction of travel and potential destinations, if known.
  - 6. Contact information for the Public Information Officer or other authorized individual to handle media liaison.
  - 7. A telephone number for the public to call in with leads/information.
- (e) Distribute the media release to the local television and radio stations and to the Oregon State Police for activation of the Emergency Alert System. The Patrol Supervisor will provide additional news releases and/or briefings as needed.
- (f) At least two detectives should be assigned to screen and assign leads received at the tip center.
- (g) Information on the abducted child, suspect vehicle and suspect should be entered into LEDS and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, must be entered into

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the National Crime Information Center (NCIC) system in order to trigger resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI. The AMBER Alert Web Portal is used to post the appropriate alert information.

- (h) The Records Section or the communications center if after hours will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert".
- (i) The information in the media release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.
- (j) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
  1. Federal Bureau of Investigation (FBI Local Office).
  2. National Center for Missing and Exploited Children (800) 843-5678. The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the OSP Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.
- (k) The supervisor or lead investigator shall distribute to the previously described locations, followup media releases with updates regarding the search and investigation, or immediately upon locating the abducted child.
- (l) The Northern Command Center (NCC) should be contacted immediately upon locating the abducted child, in order to coordinate the cancellation of the issued AMBER Alert. In addition, those entities which were advised of the abduction should be advised that the child has been located.

#### **334.4.3 PREPARATION**

This Sheriff's Office is registered on the AMBER Alert Web Portal at [www.oregonamberalert.com](http://www.oregonamberalert.com) and will receive information on any AMBER Alerts in the area.

The Lincoln County Sheriff's Office will ensure all personnel are trained on AMBER Alert criteria and the process to activate an AMBER Alert.

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## Victim and Witness Assistance

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 336.2 POLICY

The Lincoln County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Lincoln County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 336.3 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

### 336.4 VICTIM INFORMATION

The Patrol Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) [VINE®](#) information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the deputy's name, badge number and any applicable case or incident number.
- (k) A statement of legal rights and remedies available to victims of abuse, as required by [ORS 133.055](#).

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### *Victim and Witness Assistance*

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- (l) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims' Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking ([ORS 192.826](#)).

#### **336.5 WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

## Hate Crimes

### 338.1 PURPOSE AND SCOPE

This Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this Sheriff's Office will utilize all available resources to see that justice is served under the law. This policy provides members of this Sheriff's Office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 338.2 DEFINITIONS

**Hate Crimes** - consist of any act of intimidation, harassment, physical force or threat of physical force directed against any person, group, family, community organization or property motivated in whole or in part by hostility toward real or perceived race, ethnic background, national origin, religious belief, gender, age, disability, sexual orientation or political affiliation with the intent of causing fear, injury, intimidation or to deter the free exercise and enjoyment of any right secured by the Constitution or the law.

### 338.3 CRIMINAL STATUTES

For the purpose of this policy, the following statutes may apply:

- (a) Harassment ([ORS 166.065](#)).
- (b) Intimidation in the Second Degree ([ORS 166.155](#)).
- (c) Intimidation in the First Degree ([ORS 166.165](#)).
- (d) Menacing ([ORS 163.190](#)).
- (e) Any degree of Assault ([ORS 163.160 to 185](#)).
- (f) Recklessly Endangering ([ORS 163.195](#)).
- (g) Hazing ([ORS 163.197](#)).
- (h) Unlawful use of a stun gun, tear gas or mace ([ORS 163.212 and ORS 163.213](#)).
- (i) Kidnapping ([ORS 163.215 to ORS 163.235](#)).
- (j) Coercion ([ORS 163.275](#)).
- (k) Any sex offense ([ORS 163.355 to ORS 163.427](#)).
- (l) Stalking ([ORS 163.732](#)).
- (m) Any degree of Robbery ([ORS 164.395 to ORS 164.415](#)).

Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances ([18 U.S.C. § 245](#)).

### 338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this Sheriff's Office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

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### *Hate Crimes*

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- (a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up

#### **338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Deputy(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical
- (c) Once in progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved
- (d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime
- (e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation
- (f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as *Hate Crimes* and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift
- (g) The assigned deputy(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations
- (h) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further

#### **338.5.1 DETECTIVE SECTION RESPONSIBILITY**

If a case is assigned to the Detective Section, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the District Attorney and other law enforcement agencies, as appropriate
- (b) Maintain contact with the victim(s) and other involved individuals as needed
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated

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### *Hate Crimes*

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#### **338.6 TRAINING**

All members of this Sheriff's Office will receive periodic approved training on hate crime recognition and investigation.

## Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this office and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Office or the member's supervisors. While application of some rules pertain only to certified employees, all employees should recognize the high level of accountability and intolerance for misconduct the public expects of the Lincoln County Sheriff's Office.

This policy applies to all employees (full- and part-time), reserve deputies and volunteers.

### 340.2 DISCIPLINE POLICY

The continued employment of every employee of this Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

#### 340.2.1 DUE PROCESS

No disciplinary action shall be taken against an employee without just cause.

Prior to taking disciplinary action against an employee a supervisor shall:

- (a) Notify the employee in writing of the charges and the proposed disciplinary action; and
- (b) Provide the employee with an opportunity to respond to the charges at an informal hearing which may be recorded with the person or persons having authority to impose the proposed disciplinary action.

#### 340.2.2 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense if the seriousness of the offense warrants it.



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#### **340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE**

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Sheriff's Office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Sheriff's Office service:

##### **340.3.1 ATTENDANCE**

- (a) Leaving any job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
  - 1. Judicial subpoenas or any court notice shall constitute an order to report for duty.
  - 2. Required training shall constitute an order to report for duty.
- (d) Failure to notify the Office within 72-hours of any change in residence and/or mailing address and phone number.
- (e) Employees shall not feign illness or injury, falsely report themselves to be ill or injured, or otherwise deceive any supervisor of the office as to the condition of their health.

##### **340.3.2 CONDUCT**

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (c) Using Sheriff's Office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to Sheriff's Office property or the property of others or endangering it through unreasonable carelessness or maliciousness
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-departmental business or activity.
- (i) The use of any information, photograph or video obtained or accessed as a result of employment with the Sheriff's Office for personal or financial gain or without the expressed authorization of the Sheriff or a designee may result in discipline under this policy.

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- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Sheriff.
- (k) Discourteous, disrespectful, unprofessional or discriminatory treatment of any member of the public or any member of this Sheriff's Office or any other law enforcement agency. Employees shall be civil, courteous, and refrain from the use of profane, abusive or obscene language. All information shall be promptly acted upon consistent with procedures
- (l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations (described in [ORS 163.305](#) or any other sexual offense) including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
  - 1. Sexual activity while on duty or in uniform constitutes a serious violation of the trust placed in the Sheriff's Office and its employees, and may impair the ability of the Sheriff's Office to fulfill its mission, or may bring the Sheriff's Office into public disrepute. Violation of this rule warrants dismissal.
- (n) Employees shall use tact and patience in their official contacts.
- (o) Employees shall not use chewing gum in any form while officially engaged.
  - 1. For purposes of this policy, officially engaged is considered non-break time.
- (p) Recommending or suggesting, in any manner, the employment or procurement of a particular product, professional service or commercial service (i.e. attorney, ambulance, towing service, mortician, etc.)

#### **340.3.3 DISCRIMINATION**

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

#### **340.3.4 INTOXICANTS**

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants or with the odor of an intoxicant on their breath, or about their person.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

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#### **340.3.5 PERFORMANCE**

- (a) Unauthorized sleeping during on-duty time or assignments
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned
- (c) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse
- (d) Concealing or attempting to conceal defective work, removing or destroying it without permission
- (e) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose
- (g) Disparaging remarks or conduct while on-duty concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Sheriff's Office or subverts the good order, efficiency and discipline of the Sheriff's Office or which would tend to discredit any member thereof
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Sheriff's Office or members thereof
- (i) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Sheriff's Office record, book, paper or document
- (j) Wrongfully loaning, selling, giving away or appropriating any Sheriff's Office property for the personal use of the employee or any unauthorized person(s)
- (k) The unauthorized use of any badge, uniform, identification card or other Sheriff's Office equipment or property for personal gain or any other improper purpose
- (l) The receipt or acceptance of a reward, fee, gratuity, or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted)
  - 1. This office will conform to the Oregon Government Ethics Commission rules and statutes.
- (m) Any knowing or negligent violation of the provisions of the Sheriff's Office manual, operating procedures or other written directive (including the County personnel rules) of an authorized supervisor. The Sheriff's Office shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work related dishonesty, including attempted or actual theft of Sheriff's Office property, services or the property of others
- (o) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship whether on or off-duty
- (p) Dishonest or untruthful at anytime or under any circumstance including off-duty as well, except as authorized by the courts during lawful investigations (United States v. Russell, 411 US 423,434 (1973))
- (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form

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- (r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Sheriff's Office practices or procedures
- (s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a Sheriff's Office member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Sheriff's Office.
- (t) Offer or acceptance of a bribe or gratuity
- (u) Misappropriation or misuse of public funds
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct
- (w) Unlawful gambling or unlawful betting at any time or any place.
- (x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Sheriff's Office. Employees shall not associate with any disreputable person or frequent or event enter any disreputable place where criminal activity is suspected or known to occur, except in performance of their duties.
- (y) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff
- (aa) Violating any misdemeanor or felony statute
- (ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Sheriff's Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Sheriff's Office or its members
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid)
- (ae) False or misleading statements to a supervisor
- (af) Posting security release or bail for any person in custody, except for members of the employee's immediate family, and in no case in which a fee, gratuity, or reward is offered or accepted
  - 1. Employees and volunteers shall not contribute to inmate accounts.
- (ag) Failure to maintain a level of moral conduct in their personal and professional lives, which is in keeping with the standards of the law enforcement profession and the local community
- (ah) Engaging in any personal business while officially engaged, without first obtaining permission from a supervisor. Employees will not read, play games, watch television or movies or otherwise engage in entertainment while on duty except as directly related to the performance of their duty

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1. Exceptions to this rule are allowed in managing inmate behavior in the jail facility with supervisory approval.
- (a) Failure to display sufficient firmness to ensure obedience to law and inmate behavior standards

#### **340.3.6 SAFETY**

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Sheriff's Office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment
- (f) Violating Sheriff's Office safety standards or safe working practices.

#### **340.3.7 SECURITY**

- (a) Unauthorized, intentional release, alteration or removal of designated confidential information, materials, data, forms or reports

#### **340.3.8 SUPERVISION RESPONSIBILITY**

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this Sheriff's Office and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

#### **340.3.9 EXCEPTIONS**

During the course of fulfilling their duties, certified employees may by necessity, violate some of the conduct which may result in discipline, i.e., undercover operation. Exceptions to any of the rules in this chapter shall only be granted by the Sheriff.

#### **340.3.10 UNSATISFACTORY PERFORMANCE**

Sheriff's Office employees will maintain sufficient competency to perform their duties properly and to assume the responsibilities of their position. Employees will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.

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Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employees rank or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absence without permission.

In addition, other indications of unsatisfactory performance are: repeated improvement needed or unsatisfactory evaluations or written record of repeated infractions of rules, procedures, directives or orders of the office.

#### **340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020.

#### **340.5 POST INVESTIGATION PROCEDURES**

##### **340.5.1 CORPORAL RESPONSIBILITIES**

Corporals are authorized to impose verbal or written reprimands at their level without prior approval from superiors. All other potential discipline will be forwarded to the Sergeant.

##### **340.5.2 SERGEANT AND DIVISION COMMANDER RESPONSIBILITIES**

Sergeants are authorized to impose any discipline up to a three month, one step demotion in pay without prior approval from a Division Commander, or with Division Commander consultation Sergeants may impose any discipline up to and including termination.

The investigating Sergeant may impose verbal or written reprimands. If the investigating Sergeant considers possible discipline above a verbal or written reprimand, the completed investigation will be forwarded to a Division Commander. The Division Commander will decide to either review the investigation or assign it to a different Sergeant for disciplinary consideration.

In the event disciplinary action is considered, the Sergeant or Division Commander shall provide the employee with written notice of the following information:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count
- (b) A statement that the employee has been provided with or given access to all of the materials considered by the Sergeant or Division Commander in the disciplinary decision.
- (c) An opportunity to respond orally or in writing to the Sergeant or Division Commander within five days of receiving the notice
  1. Upon a showing of good cause by the employee, the Sergeant or Division Commander may grant a reasonable extension of time for the employee to respond.
  2. If the employee elects to respond orally, the presentation shall be recorded. Upon request, the employee shall be provided with a copy of the recording.

The Sergeant or Division Commander may return the investigation to the investigating supervisor for further action. Once the Sergeant or Division Commander is satisfied that no further investigation or action is required, the Sergeant or Division Commander shall determine the amount of discipline, if any, to be imposed.

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The Sergeant or Division Commander must meet with the employee prior to making any disciplinary decision above a written reprimand and provide the employee an opportunity to respond orally or in writing within five days of the meeting.

#### **340.5.3 RESPONSIBILITIES OF THE SHERIFF**

Upon receipt of any completed investigation and/or written recommendation for disciplinary action, the Sheriff shall review the investigation and/or recommendation and all accompanying materials.

The Sheriff may modify any recommendations and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, to be imposed.

The Sheriff must meet with the employee prior to making any disciplinary decision above a written reprimand and provide the employee an opportunity to respond orally or in writing within five days of the meeting.

#### **340.6 EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sergeant or Division Commander after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sergeant or Division Commander to consider.
- (d) In the event that the Sergeant or Division Commander elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sergeant or Division Commander on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Sergeant or Division Commander shall consider all information received in regard to the discipline. The Sergeant or Division Commander shall thereafter render a timely written decision to the employee imposing discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the supervisor has issued a written decision, the discipline shall become effective.

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#### **340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a signed written retirement or resignation prior to the imposition of discipline, it will be placed in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

#### **340.8 POST RESPONSE PROCEDURE**

In situations resulting in the imposition of a suspension without pay, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the imposition of discipline by the Sheriff pursuant to the operative Collective Bargaining Agreement and personnel rules.

##### **340.8.1 WRITTEN REPRIMANDS**

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of the receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor at least one rank above the rank of the supervisor issuing the original reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify, or dismiss the written reprimand shall be considered final.

#### **340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the manner as set forth in the procedure as set forth in § 340.6. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.
- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in Department policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.



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- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff.

## Office Technology Use

### 342.1 PURPOSE AND SCOPE

This policy describes the use of Sheriff's Office computers, software and systems.

#### 342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Sheriff's Office expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Sheriff's Office also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

### 342.2 DEFINITIONS

The following definitions relate to terms used within this policy.

**Computer System** - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Lincoln County Sheriff's Office, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

**Hardware** - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

**Temporary File** or **Permanent File** or **File** - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

### 342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing in or located in or on the system.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or

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related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service or information when the employee is unavailable.

#### **342.4 AGENCY PROPERTY**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any Sheriff's Office computer, or through the Sheriff's Office computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Sheriff's Office and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

#### **342.5 UNAUTHORIZED USE OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malware infection, employees shall not install any unlicensed or unauthorized software on any Sheriff's Office computer.

Employees shall not install personal copies of any software onto any Sheriff's Office computer. Any files or software that an employee finds necessary to upload onto a Sheriff's Office computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

#### **342.6 PROHIBITED AND INAPPROPRIATE USE**

Access to technology resources including Internet access provided by or through the County shall be strictly limited to Sheriff's Office-related business activities. Data stored on, or available through County systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement business related purpose to access such data. Any exceptions to this policy must be approved by a division commander.

An Internet site containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the County without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **342.7 PROTECTION OF AGENCY SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

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Agency approved anti-virus software will be running on all computers that are connected to the Internet, in order to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

#### **342.7.1 NETWORK SECURITY**

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

- (a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.
- (b) The network shall not be connected to any external network without a firewall in place.
- (c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

#### **342.7.2 SYSTEM BACK-UP**

Information Services personnel shall be responsible for establishing regularly scheduled network system back-up protocols. Retention of all system back-ups should be managed in a manner consistent with applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

## Credit Cards

### **343.1 PURPOSE AND SCOPE**

The Lincoln County Board of Commissioners have agreed to allow the Sheriff's Office to engage in a credit card use test program. The purpose of the test is to determine if a monetary savings to the county can be realized by use of a credit card.

This policy describes the use of the credit cards.

### **343.2 POLICY**

Credit cards have been approved for use by specific Sheriff's Office members. The use of the credit card is multi-purpose, including but not limited to:

- (a) Purchase of equipment and supplies for Sheriff's Office use;
- (b) Elimination of travel advance requests;
- (c) Decrease the amount of out-of-pocket cash expenditures by the member; and
- (d) Insure an efficient system to track receipts, expenditures, etc. Automatic teller machine (ATM) access is not available to cardholders.

#### **343.2.1 RULES**

- (a) The credit card is to be used only for Sheriff's Office business; personal use of the credit card is not authorized.
- (b) Credit cards will only be issued to members authorized by the Sheriff.
- (c) Receipts for all credit card transactions shall be obtained by the cardholder and submitted to the Sheriff's Administrative Assistant.
- (d) The only person permitted to use the Lincoln County Credit Card is the person whose name is imprinted on the face of the card.

#### **343.2.2 PROHIBITED USES**

Several items or services are prohibited from purchase by use of a county credit card. The following is a representative list and is not intended to be all-inclusive.

- Alcoholic Beverages/Tobacco
- Ammunition/Firearms
- Annual Memberships
- Capital Outlay - without prior BOC approval
- Cash Advances/Cash Refunds
- Cellular Phone & Service
- Consulting Services
- Contracted Services
- Entertainment
- Fuel Personal vehicles
- Instructors & Guest Speakers

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- Pagers
- Personal Care Services
- Personal Purchases
- Prescription Drugs
- Service Agreements

#### **343.3 CARDHOLDER RESPONSIBILITY**

- (a) Division Commanders desiring a credit card will submit a written memorandum justifying the need to the Sheriff for review and approval consideration.
- (b) Credit cards are to be used only for authorized expenditures for the Sheriff's Office.
- (c) The member is responsible for:
  - 1. Security of the credit card.
  - 2. Proper use of the credit card.
  - 3. Obtaining all credit card receipts, which must be accompanied by the member's completed expense claim form.
- (d) Members will submit the report and receipts with their expense claim to the Sheriff's Administrative Assistant for processing.
  - 1. The individual meal and daily meal allowances found in the Personnel Rules apply.
  - 2. All per diem overages charged to the credit card shall be paid to the County Treasurer prior to submitting the credit card claim for payment.
  - 3. The revenue receipt reflecting the deposit shall be submitted with the claim for payment.
- (e) Prior to out of state travel and use of the card, the member shall submit a written request to the Sheriff for authorization.
  - 1. The request will be forwarded to the Board of Commissioners for approval. The approval will be forwarded to the Finance Department.
- (f) Whenever possible, Purchase Orders (POs) should be utilized before use of the county credit card.
- (g) Gas credit cards are issued by Fleet Services and are for official county business only. No personal use of these cards is authorized.
- (h) Members are personally responsible for maintaining proper documentation.
  - 1. If documentation is not available, the member must attach an explanation that includes a description of the item, date of purchase, merchant's name and why there is no supporting documentation.
  - 2. The explanation must be signed by the member and the Sheriff. A pattern of missing documentation may result in disciplinary action.
- (i) If an item purchased by credit card is returned, the member shall retain the credit voucher for documentation and attach it to their weekly transaction log.

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#### **343.4 DISPUTED ITEMS**

- (a) When an item purchased with the credit card is found to be defective or the repair or services faulty, the member shall return the item(s) to the merchant for replacement and/or to receive a credit on the purchase.
- (b) If the merchant refuses to replace or correct the faulty item, then the purchase of this item will be considered to be in Dispute.
  - 1. When this occurs, the member shall immediately notify the Finance Office of the dispute. The member shall forward a copy of all items purchased and correspondence to the Finance Office.
  - 2. Resolving any disputed item remains the responsibility of the member.

#### **343.5 LATE CHARGES**

- (a) Finance will pay the late fees should they occur.
- (b) The department(s) responsible for the late fees will be charged.

#### **343.6 MISUSE OF THE COUNTY'S CREDIT CARD**

- (a) Revocation of credit card privileges.
- (b) Members will be subject to disciplinary action up to and including termination and legal action.

#### **343.7 TERMINATING OR TRANSFERRING EMPLOYMENT**

- (a) Members who are terminated or transfer to another department shall surrender their credit card to the Administrative Assistant. The card will be cut in half and delivered to the Finance Department.
- (b) In the case of termination, final paychecks will not be released until the issued credit card and any outstanding receipts are returned and the credit card has been canceled.

## Report Preparation

### 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 344.2 REQUIRED REPORTING

Reports are required in all of the following situations in the Alliance records management system or appropriate form, unless approved by a supervisor.

#### 344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the event log
- (c) In every case where any force is used against any person by sheriff's personnel
- (d) All incidents involving domestic violence
- (e) All arrests

#### 344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force Policy)



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- (c) Any firearm discharge (see the Shooting Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### **344.2.3 DEATH CASES**

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death).
- (e) Found dead bodies or body parts.

#### **344.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

#### **344.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this Sheriff's Office shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports

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or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the deputy with a comment in the Alliance "kicked back" report section. The report will be returned to the reporting employee for correction. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

#### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

## News Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

#### 346.1.1 POLICY

It is the policy of the Sheriff's Office to provide news items of public concern and maintain good relations with the news media. Employees will become familiar with the Oregon bar-press guidelines and procedures outlined in this policy. The rules of the Oregon bar-press guidelines apply in all statements, unless releasing information jeopardizes an investigation or is harmful to the prosecution and conviction of a suspect.

#### 346.1.2 DEFINITIONS

**Public Records** - Consistent with [ORS 192.410](#), all writings, documents, papers, letters, maps, books, tapes, CDs, photographs, films, sound recordings or other material, regardless of physical form or characteristics, prepared, owned, used or retained by the Office relating to the conduct of the public's business. The fact that a particular item is designated a "public record" does not mean that it is open to public inspection, but rather that it belongs to a public agency.

**Criminal Investigative Information** - Information relating to an identifiable person(s) or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance. Such information is considered "active" as long as it is related to an ongoing investigation, which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

**Criminal Intelligence Information** - Information concerning identifiable person(s) or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. Such information is considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

### 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Patrol Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

### 346.3 RULES

- (a) Only the Sheriff or District Attorney or their designee will make statements to the news media regarding an active major criminal investigation.
- (b) Records Division personnel are the only members authorized to release reports and report information in accordance with law and department policies.

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- (c) In major crime incidents, media access will be restricted until the deputy or supervisor in charge gives information.
  - 1. The media normally does not have the right to enter private property without consent of the property owner.
  - 2. A deputy may escort or authorize media personnel onto public property.
  - 3. Restricting access may be necessary if the reporter's presence would unreasonably obstruct or interfere with the investigation of a crime scene or hamper the execution of police duties.
    - (a) Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations.
  - 4. Media representatives may be prevented from interfering with emergency operations and criminal investigations
    - (a) Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the supervisor. The TFR, request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).
- (d) When a major interest event such as a fire, accident, explosion or bomb threat, possible crime, or any other event requiring Sheriff's Office response occurs, a deputy may be designated to assist and direct media personnel to a safe location, in order to insure public safety, to secure the scene for investigation, or to protect property or clean up of that property.
- (e) When a major event creates substantial interest and there is a special need for factual, accurate, and immediate news from one source, a designated department spokesperson may be called to the scene.
- (f) The Sheriff will not, in most cases, be the only source of information in the department. The Sheriff should, however, be kept informed of contacts with the news media to maintain continuity of reporting.
- (g) As a rule, media works on deadlines. Designated, employees will assist the news media in reaching deadlines. However, the objective of the department/media relationship will be the releasing of factual, timely information based upon the Oregon bar-press guidelines and this policy.
- (h) At times, inquiries from the news media may request information that is not immediately available to a deputy or requires further input. In these situations, advise the media representative that appropriate information will be furnished as soon as possible.
- (i) [ORS 181.852](#), prohibits, except under certain circumstances, the disclosure of any information by a law enforcement agency regarding any employee involved in undercover investigative duties while conducting such duties or for a period of six months following assignment.
- (j) [ORS 181.854](#) prohibits the disclosure of a photograph of a public safety employee without written consent, as well as information about the employee that is either exempt or prohibited from disclosure.

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- (k) A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor. Members shall not jeopardize a tactical operation in order to accommodate the news media.

#### **346.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **346.4 PROCEDURES**

The communications center will maintain a daily information log of significant law enforcement activities that is available to media representatives. All other releases of information by this Sheriff's Office will be in accordance with the following procedures.

##### **346.4.1 MEDIA RELATIONS**

- (a) Each member of the agency will maintain a cooperative and harmonious professional relationship with representatives of the news media.
- (b) At the scene of any event of public interest, representatives of the news media will be permitted to conduct interviews, take photographs, and otherwise perform their assigned tasks provided their activity is not in violation of the guidelines established in the policy, and provided such activity does not violate any law or interfere with law enforcement operations.
- (c) News releases concerning incidents involving agency policy, the official interpretation of agency policy or investigations of an internal nature will be made by the Sheriff or designee.

##### **346.4.2 MEDIA CONFERENCES**

- (a) Media conferences will be conducted only with the approval of the Sheriff. Such approval must be obtained via chain of command. Press conference releases will be sent via facsimile or e-mail to every media source in the Lincoln County.
  - 1. The area of notification may be expanded based upon circumstances.
- (b) In most cases, the Sheriff, a Division Commander or the deputy in charge of the case, and other knowledgeable persons will be present to provide additional background information.
- (c) Agency representatives should be appropriately attired and respond to inquiries courteously.
- (d) Media representatives will be supplied with appropriate press packets. Packets may include, but are not limited to:
  - 1. When appropriate, a general press release detailing the incident, with correctly spelled names, dates of birth and addresses of suspects.

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2. Applicable statistics.
  3. Photographs of suspects, news clippings and other visual objects that will meet the special needs of the media.
- (e) Media representatives will remain in one central location until the press conference is scheduled to begin. At the conclusion of the press conference, reporters will be escorted from the room and will exit through the same door.

#### **346.4.3 NEWS RELEASES**

- (a) Public information shall be released as promptly as circumstances allow in an impartial, courteous and objective manner.
1. The supervisor or deputy in charge shall prepare and forward newsworthy events to the media with a copy to the Sheriff.
    - (a) The Sheriff or his/her designee will release Media releases on major investigations and events.
  2. The Sheriff will review the material and may instruct the supervisor or deputy in charge to make further contact with the media.
  3. News releases shall be released on a daily basis, as they occur if during normal office hours or during a major incident day or night.
- (b) News releases concerning new policies or programs will be coordinated through the Sheriff.
- (c) The deputy in charge of an investigation or incident, or the ranking deputy on the scene will release all other information.
- (d) When representatives of the news media desire interviews beyond the news release with agency personnel other than those listed in Sections 1 and 2 of these procedures concerning the investigation or incident, such interviews may be conducted only with the approval of the appropriate Division Commander.
1. Exceptions;
    - (a) When an official representative of the Lincoln County Sheriff's Deputy Association (LCSDA) speaks on behalf of the LCSDA;
    - (b) When a member of the Lincoln County Sheriff's Office speaks on their behalf regarding a personnel issue involving that member or discipline imposed upon that member.
- (e) In instances where more than one agency is involved, the agency having primary jurisdiction will be responsible for releasing, or coordinating the release of information.

#### **346.4.4 NEWS RELEASE GUIDELINES/OREGON BAR-PRESS GUIDELINES**

- (a) Oregon's Bill of Rights provides both for fair trials and for freedom of the press. These rights are basic and unqualified. They are not ends in themselves, but are necessary guarantors of freedom for the individual and the public's right to be informed. At times these two rights appear to be in conflict with each other. In an effort to mitigate this conflict, the Oregon State Bar, the Oregon Newspaper Publishers Association and the Oregon Association of Broadcasters have adopted the following statement of principles to keep the public fully informed without violating the right of any individual:
1. The news media have the right and responsibility to print and broadcast the truth.

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2. However, the demands of accuracy and objectivity in news reporting should be balanced with the demands of fair play. The public has a right to be informed. The accused has the right to be judged in an atmosphere free from undue prejudice.
  3. Good taste should prevail in the selection, printing and broadcasting of the news. Morbid or sensational details or criminal behavior should not be exploited.
  4. The right decision about the news rests with the editor or news director. In the exercise of judgment he/she should consider that:
    - (a) An accused person is presumed innocent until proven guilty;
    - (b) Readers and listeners are potential jurors; and
    - (c) No person's reputation should be injured needlessly.
  5. The above guidelines are supplemental to and should be interpreted with the "Oregon Bar-Press Broadcasters Joint Statement of Principles" adopted in 1962.
  6. The guidelines are cautionary, not mandatory. They do not prohibit release of, or publication of, information needed to identify or aid in the capture of a suspect or information in the vital interest of the public interest after arrest. Neither do they prescribe publication of information, which is already in the public domain.
  7. At times, members of the news media will request access to department records. Requests should be submitted to the Records Division. The department considers all requests based on ORS 192.410 dealing with public records exempt from disclosure, and other related statutes.
- (b) Guidelines for disclosure and reporting of information on criminal proceedings.
1. It is generally appropriate to disclose or report the following:
    - (a) The arrested person's name, age, residence, employment, marital status and relevant biographical information.
    - (b) The charge.
    - (c) The amount of bail and/or release conditions.
    - (d) The identity of and biographical information concerning both complaining party and victim. Specific information about sexual assault or hate crime victims should be disclosed only when the public's right to know clearly outweighs the victim's or the complaining party's right to privacy or safety.
    - (e) The identity of the investigating and arresting agency and the length of the investigation.
    - (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used.
    - (g) Intoxilyzer results.
  2. It is rarely appropriate to disclose for publication or to report prior to the trial the following:
    - (a) The contents of any admission or confession, or the fact that an admission or confession has been made.
    - (b) Opinions about an arrested person's character, guilt or innocence.
    - (c) Opinions concerning evidence or argument in the case.
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- (d) Statements concerning anticipated testimony or the truthfulness of prospective witnesses.
- (e) The results of fingerprints, polygraph or mental health examinations, ballistic tests or laboratory tests.
- (f) Precise descriptions of items seized or discovered during investigation.
- (g) Prior criminal charges and convictions.
- (h) Evidentiary details that were excluded in prior judicial proceedings in the same case.

#### **346.4.5 JUVENILE OFFENDER INFORMATION**

Information pertaining to juvenile offender, victim or witness shall only be released as articulated in Policy Manual §810.43.

#### **346.4.6 MEDIA ACCESS TO POLICE CONTROLLED SCENES**

- (a) In the event of a major crime, incident, or disaster, police lines are established for crowd control to permit investigation and to preserve evidence. Keeping in mind the purpose of a secure crime scene and dependent upon the tactical situation, the ranking crime scene deputy should try to make an affirmative effort to provide news photographers timely access to the crime scene.
  - 1. This access is to be considered with sensitivity to both the need to preserve and protect the crime scene and to the public's interest in observing the investigation. The news photographers will be escorted into specific areas by investigators.
- (b) While news media representatives may be permitted in the area of a crime scene, they do not have the authority to be:
  - 1. Within a crime scene or area that has been secured to preserve evidence;
  - 2. At any location where their presence jeopardizes law enforcement operations, or;
  - 3. On private property (e.g., apartment, single-family house) without the consent of the owner or lessee.
- (c) Duly authorized representatives of any news media may enter any area closed because of the possibility of its being a menace to the public health or safety after producing valid press credentials.
  - 1. When feasible, Deputies should warn news media personnel desiring to enter or who have entered such areas, of the potential hazard(s) and their assumed liability risk.
  - 2. The decision to assume the risk of possible danger remains with the individual newsperson involved. It is not the responsibility of this agency to provide for the safety of any news media personnel who voluntarily choose to subject themselves to danger.

#### **346.4.7 PHOTOGRAPHY**

- (a) Photographs of a suspect may be released by law enforcement personnel provided a valid law enforcement function is served. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of prior arrests and convictions.



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- (b) Law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. However, they should not pose the defendant.
- (c) In compliance with Rule 10 above, the "Notification of Request for Restricted Public Safety Employee Photograph/Information" form will be completed by the local worksite supervisor and signed by the affected employee indicating whether the employee either consents or declines the release of the requested photograph and/or information.

#### **346.4.8 NEWS MEDIA CREDENTIALS**

- (a) In order to expedite the identification of bona fide representatives of the news media, and in order to assist members of the news media in the performance of their duties, the Lincoln County Sheriff's Office may issue press credentials to members of the media.
  - 1. Representatives of the media possessing other bona fide credentials will also be recognized.
- (b) Media representatives should perform their assigned tasks and not violate the guidelines established in the policy. All violations observed should be forwarded to the Sheriff. If the criteria governing conduct has been violated, a written statement will be sent to the individual's employer. The specific violation will be noted and the individual's press credentials may be revoked or not honored.
- (c) Supervisors shall be responsible for identifying problems that may occur between our agency and the press. If these problems are the result of a policy failure, the supervisor shall solicit ideas and suggestions from the press and submit a written evaluation of the problem(s) and input from the press to the Sheriff.
- (d) Members of the media are encouraged to participate in the present and future development of this policy by reviewing the policy and attending the Sheriff's semi-annual meeting with them. It is important to build a good rapport between the media and the Lincoln County Sheriff's Office. The Sheriff will meet with representatives of the media periodically to address these issues.

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## Court Appearance and Subpoenas

### 348.1 PURPOSE AND SCOPE

This procedure has been established in compliance with [Oregon Revised Statutes 136.595](#) to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

#### 348.1.1 DEFINITIONS

**On-Call** - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**Standby** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this Sheriff's Office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 348.2.1 SERVICE OF SUBPOENA

Generally, a subpoena is served by delivering a copy to the witness personally. Proof of service is made in the same manner as in the service of a summons.

- (a) In accordance with [ORS 136.595\(2\)](#) and [ORCP 55](#), this office shall accept subpoenas on behalf of currently employed peace officers who are within the state at the time of service, provided the following conditions are met:
  1. The peace officer's attendance at trial is related to work he/she performed in the course of employment as a peace officer.
  2. The subpoena is delivered to the a Civil Deputy or to the Patrol Sergeant at least 10 days prior to the appearance date shown on the subpoena.
- (b) The civil deputy shall make a good faith effort to notify the subpoenaed employee of the date, time and location of the court appearance. If the employee cannot be notified, the civil deputy will contact the court and advise them of the inability to contact the employee.

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#### **348.2.2 VALID SUBPOENAS**

No subpoena shall be accepted for an employee of this Sheriff's Office unless it has been properly served and verified to have originated from a recognized legal authority.

#### **348.2.3 ACCEPTANCE OF SUBPOENA**

- (a) In accordance with [ORS 136.595](#), the Sheriff's Office has designated the following individuals upon whom service of a subpoena for a certified deputy may be made: the employee named in a subpoena, his/her immediate supervisor, or a civil/records staff member. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the civil clerk on duty. The civil clerk shall ensure the deputy named on the subpoena is aware of the service.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

#### **348.2.4 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with the Lincoln County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

#### **348.2.5 COURT STANDBY**

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Sheriff's Office. Employees are required to notify the Sheriff's Office within 72-hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby is not at their residence, is unable to answer the documented phone number, or changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

#### **348.2.6 FAILURE TO APPEAR OR REFUSAL**

Any employee who fails to accept or comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

#### **348.3 CIVIL SUBPOENAS**

The Sheriff's Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties. In such situations, the Sheriff's Office will also reimburse any deputy for reasonable and necessary travel expenses.

Any funds received by the deputy for appearing will be turned over to the Sheriff's Office.

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#### **348.3.1 PROCEDURE**

To ensure that the deputy is able to appear when required, that the deputy is compensated for such appearance, and to protect the Sheriff's Office's right to reimbursement, deputies shall follow the established procedures for the receipt of a civil subpoena.

#### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the deputy or Sheriff's Office is not a party without properly posted fees pursuant to Oregon Revised Code of Procedure 55D(1).

#### **348.3.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action who seeks to subpoena a deputy must deposit the statutory witness fees and mileage for each appearance before such subpoena will be accepted. Parties seeking to have the deputy make multiple appearances must make an additional deposit in advance.

#### **348.4 OVERTIME APPEARANCES**

If the deputy appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Collective Bargaining Agreement.

#### **348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

##### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed deputy shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

##### **348.5.2 ATTIRE**

Employees shall dress in uniform (including long sleeve shirt or Ike jacket and tie) or business attire for all court appearances, excluding grand jury, traffic trials, and DMV hearings. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

Employees have the option of wearing the short sleeve shirt and uniform slacks for grand jury, traffic/violation trials, and DMV hearings.

#### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member of this Sheriff's Office who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Oregon, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate

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supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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## Reserve Deputies

### 350.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

### 350.2 SELECTION & APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Lincoln County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by the Sheriff's Office. The minimum criteria for selection and appointment of reserve deputies shall be the same as is required of regular full-time deputies.

#### 350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Upon appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a basic reserve academy within 18 months of the date of appointment.

#### 350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### 350.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Participation is voluntary and there is no compensation.

All reserve deputy appointees are issued uniform patches, badge, identification and specified safety equipment. All property issued to the reserve deputy shall be returned to the Sheriff's Office upon termination or resignation.

#### 350.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Sheriff's Office must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a Corrections deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel Department prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

### 350.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Reserve deputies may be assigned to other areas within the

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Sheriff's Office as needed. Reserve deputies are required to work a minimum of 20 hours per month.

#### **350.3.1 POLICY COMPLIANCE**

Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

#### **350.3.2 RESERVE DEPUTY ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **350.3.3 RESERVE COORDINATOR**

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to the following:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve deputy performance.
- (f) Monitoring overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

#### **350.4 FIELD TRAINING**

The field training program shall consist of the completion of the Reserve Field Training Manual under the supervision of a Primary Training Deputy assigned by the Sheriff's Office. Each section of the manual must be signed off by both the Primary Training Deputy and any other assigned deputy observing the performance. The completed manual will be submitted to the Sheriff's Office Training Sergeant and it shall become a part of the reserve deputy's training file.

#### **350.4.1 FIELD TRAINING MANUAL**

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Lincoln County Sheriff's Office. Each section of the manual must be signed-off by both the deputy observing the performance. The completed manual will be submitted to the department Training Sergeant and it shall become part of the reserve deputy's training file. The reserve deputy shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.

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#### **350.5 RESERVE DEPUTY PROGRAM**

##### **350.5.1 RESERVE DEPUTY MEETINGS**

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

##### **350.5.2 IDENTIFICATION OF RESERVE DEPUTIES**

All reserve deputies will be issued a uniform badge and a Sheriff's Office identification card. The uniform badge shall be the same as that worn by a regular full-time Lincoln County deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

##### **350.5.3 UNIFORM**

Reserve deputies shall conform to all uniform regulation and appearance standards of this Sheriff's Office.

##### **350.5.4 INVESTIGATIONS AND COMPLAINTS**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Operations Division Commander.

Reserve deputies are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

##### **350.5.5 RESERVE DEPUTY EVALUATIONS**

While in training reserve deputies will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve deputy.

#### **350.6 FIREARMS REQUIREMENTS**

Reserve deputy have peace officer powers during his/her assigned tour of duty.

##### **350.6.1 CARRYING WEAPON ON DUTY**

Level II and above Reserve Deputies are allowed to carry a loaded firearm while on duty. It is the policy of the Sheriff's Office to allow Reserves to carry firearms only while on duty, or to-and-from duty if they are in uniform.

##### **350.6.2 IN-SERVICE TRAINING**

Reserve deputies are encouraged to attend all in-service training offered to regular deputies. Reserve deputies are required to attend classes designated as mandatory either at one of the regular in-service sessions or one scheduled specifically for reserves.



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#### **350.6.3 CONCEALED FIREARMS PROHIBITED**

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid Concealed Handgun License. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Sheriff's Office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a Sheriff's Office armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

#### **350.6.4 RESERVE DEPUTY FIREARM TRAINING**

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual.

#### **350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

#### **350.8 RESERVE LEVELS**

Reserve Deputies become eligible to perform at different levels in the organization based on their training and experience. More detailed information regarding the individual levels, training requirements and duties are contained in the Reserve Program Manual. All Reserve Deputies begin at Level IV.

- (a) **Level IV, Entry level Reserve Deputy** - Level IV Reserves are newly appointed and are beginning their training. They are not permitted to carry weapons. Level IV Reserves may ride with regular deputies on patrol wearing civilian clothes. They perform no law enforcement functions.
- (b) **Level III Reserve Deputy** - Level III Reserves have successfully completed the Entry Level Reserve Academy curriculum. Level III will accompany regular deputies on patrol in uniform. They are not permitted to carry weapons. They may perform limited law enforcement functions under the direct supervision of a Training Deputy.
- (c) **Level II Reserve Deputy** - Level II Reserves have successfully completed the Basic and Intermediate Reserve Academy curriculum. Level II Reserves are authorized to carry firearms and related equipment on-duty and will perform law enforcement functions under the direct supervision of a Training Deputy.
- (d) **Level I Reserve Deputy** - Level I Reserves have successfully completed the Reserve Academy for a total of 332 hours of instruction. Level 1 Reserves have also completed the Reserve Deputy Training Manual. Level 1 Reserves may operate patrol vehicles accompanied by a Regular Deputy. Level 1 Reserves are eligible for "special status" assignments based on performance and the approval of the Sheriff.

## Search and Rescue

### 351.1 PURPOSE AND SCOPE

The following Search and Rescue (SAR) & Recovery Plan was prepared and adopted in accordance with [Oregon Revised Statutes \(ORS\) Chapter 401.573](#). The purpose of this plan is to establish policies for the Lincoln County Sheriff's Office Search and Rescue Division and describe procedures for implementing those policies.

#### 351.1.1 POLICY

It is the policy of this office to provide a measured response of trained personnel and available resources in an effort to prevent, minimize, respond to or recover from an emergency.

The following Search and Rescue (SAR) & Recovery Plan was prepared and adopted in accordance with [Oregon Revised Statutes \(ORS\) Chapter 401.573](#). The purpose of this plan is to establish policies for the Lincoln County Sheriff's Office Search and Rescue Division and describe procedures for implementing those policies.

#### 351.1.2 DEFINITIONS

**Search and Rescue (SAR)** - "Search and rescue" is defined as the acts of searching for, rescuing or recovering, by means of ground or marine activity, any person who is lost, injured or killed while out of doors. ([ORS 401.025](#)).

**Search** - Suggests a person is overdue or missing from their intended location.

**Rescue** - Signifies a situation where a known person, in a known location is in specific danger and where the assistance of others is necessary to prevent injury or death.

**Emergency** - Includes any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss; and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous materials as defined in [ORS 466.605](#), contamination, disturbance, riot, sabotage and war.

**Emergency Service Agency** - Any organization within a local government, which performs essential services for the public's benefit prior to, during, or following an emergency. This includes, but is not limited to, organizational units within local governments, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering. ([ORS 401.025](#))

**Assistance** - Any support provided by search and rescue personnel to an emergency service agency, which may include manning roadblocks, evacuating people from an endangered area, supporting emergency communications, securing an accident or crime scene or conducting an evidence search.

**Community Service** - Any support or service provided by search and rescue personnel during community events such as parades, races, and benefits. This support may include traffic control, communication or other services as approved by the search and rescue coordinator.

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**Emergency Service Worker** - An individual whom under the direction of an emergency service agency or emergency management agency performs emergency services. The emergency service worker is a registered volunteer with the county who volunteers to serve without compensation.

**Approved Training** - Any training directly related to search and rescue and accepted as such by the Sheriff's Office SAR coordinator. A training outline including a training objective will be submitted to the SAR coordinator and approved prior to the training being conducted.

**Supervisor** - A sworn law enforcement Deputy or officer who is of the rank of sergeant or above, or is the designated Deputy or officer in charge.

**Search and Rescue in Wilderness** - Memorandum of understanding between the Oregon State Sheriff's Association and USDA Forest Service.

#### **351.1.3 FUNCTION**

- (a) It shall be the function of Search and Rescue (SAR) , both regular employees and volunteers assigned to various units, to participate in emergency situations assigned by the Sheriff, including, but not limited to:
1. Disaster Situations (airplane crashes, floods, fires, earthquakes, etc.)
  2. Missing or lost persons (land and water)
  3. Drowning victims (body recovery)
  4. State of Emergency (State and/or Federal)

#### **351.1.4 RULES**

- (a) During a SAR mission, the SAR coordinator's duties may pass from one coordinator to another during the course of the search and rescue mission. However, a SAR coordinator must remain assigned to the mission. During a search the SAR coordinator should not be assigned other cases. The maximum on-duty time for a SAR coordinator should not exceed 12 hours. The SAR coordinator may return to service after being away from the incident scene for a minimum of 6 hours.
- (b) During a search the maximum consecutive on-duty time for all volunteer personnel, including the SAR Coordinators should not exceed 12 hours. The incident commander should assign relief prior to reaching this limit. A volunteer may return to service after being away from the incident scene for a minimum of 6 hours.
- (c) A person not recognized by the Sheriff's Office, as a volunteer will not participate in SAR activities. Only SAR certified personnel are allowed to search on the ground during an incident. Non-certified volunteer personnel will assist the ICS staff as assigned. In the event of a "unique mission" the Sheriff may authorize the participation of non-certified volunteer personnel on the ground (see procedures, section 4). The Sheriff's Office does not assume liability for the welfare of an individual who elects to search on their own.
- (d) The Search and Rescue Team requires that all volunteer personnel be properly trained. The members of the Ground Search Unit must be SAR certified. The members of Mounted Posse and Reserves must meet the annual training requirements of their respective units and are encouraged to become SAR certified. The Unit Commanders for each unit shall be responsible for training sessions required for their respective units.
- (e) Any search and rescue volunteer must maintain a telephone, pager or cellular phone so that they can be contacted in the event of an emergency.

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#### **351.1.5 RESOURCES**

- (a) Volunteer Organizations:
  - 1. Lincoln County Amateur Radio Services
  - 2. Lincoln County Sheriff's Mounted Posse (Posse)
  - 3. Lincoln County Sheriff's Office Reserves
  - 4. Neighboring Counties
    - (a) The Sheriff's Office has verbal agreements with neighboring counties. If assistance from another jurisdiction is required, the SAR coordinator will make a request directly to the jurisdictions' agency administration.

#### **351.2 SEARCH AND RESCUE CALL-OUT**

- (a) The Sheriff Office's response to search and rescue situations must not be delayed unnecessarily. Delays may be necessary because of inadequate information or insufficient time lapse between the expected return time and the time the report was taken. A delayed response may also occur when it is necessary to protect the safety of search and rescue personnel or safeguard county resources.
- (b) When a known, life-threatening situation exists and a rescue must be affected, the Sheriff's Office requires prompt utilization of any available resource to affect the rescue. Such assistance may be from a qualified fire department rescue unit, helicopter evacuation, medical team, or other qualified personnel.
- (c) When medical problems exist, prompt action by a qualified medical unit is required.

#### **351.2.1 CALL-OUT PROCEDURE**

- (a) Upon receipt of information indicating that a search or rescue may be required a patrol deputy will investigate by making direct contact with the complainant, witnesses, and others to obtain preliminary information pertaining to the case. A MISSING PERSON QUESTIONNAIRE ICS-302 will be completed and the deputy will contact their supervisor who will contact the SAR coordinator. The SAR coordinator will be given the MISSING PERSON QUESTIONNAIRE ICS-302 upon arrival at the scene or as soon as possible thereafter.
- (b) The search and rescue coordinator will determine the search urgency. The determination is based on the subject's condition, level of preparation and knowledge, weather conditions and potential hazard of the area where the subject is lost.
- (c) Once the SAR coordinator determines that search and rescue is needed, he/she contacts the communications center to page search and rescue volunteers to respond. The SAR coordinator will then determine what personnel and equipment are required to conduct the operation.
- (d) A SAR Coordinator will contact the leader of each unit that will participate in the initial search effort. Instructions to provide a designated number of people with specific equipment will be given.
- (e) New information about a subject or changes in the weather may require the search urgency to be upgraded. When this occurs, SAR Coordinators may request additional volunteer personnel and resources.
- (f) Search and rescue personnel will assist in a search incident only after specifically being "activated" by a SAR Coordinator, or Lincoln County Sheriffs Office command personnel.

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- (g) Using the guidelines established in Section V. Procedures, 2. Call-Out. Once activated, team members will report to the location designated by on scene command for briefing. Team leaders will ensure that all members responding to assist other jurisdictions have the equipment they will need to assist that agency.
- (h) A complete report outlining personnel involved, resources utilized and team activities will be completed by the SAR Coordinator assigned to the mission. Lincoln County SAR resources will not be depleted and/or compromised to provide assistance to other jurisdictions.

### **351.3 INCIDENT COMMAND SYSTEM (ICS)**

- (a) During a search and rescue mission this office will utilize the ICS system of management.
  1. **Incident Commander** - manages the system, has overall responsibility for operations.
  2. **Planning Section** - responsible for impending situations, responsible for collection, evaluation, and dissemination of tactical information about the incident.
  3. **Operations Section** - responsible for what is currently occurring, operations include all activities that are directed toward the reduction of the immediate hazard, establishing situation control, restoration of normal procedures and works closely with Incident Commander and Planning Coordinator.
  4. **Logistics Section** - responsible for providing all support during an incident including caring for and feeding of all personnel resources, but is not responsible for providing air support.
  5. **Finance Section** - responsible for all financial matters related to the incident.

### **351.4 UNIQUE MISSION PROCEDURE**

Unique missions are the only incidents wherein all participants are not required to be SAR/Oregon State Sheriff's Association (OSSA) certified. Some of these incidents require the expertise of volunteers who are not SAR/OSSA certified; however the incident commander will if necessary, provide these volunteers with an assistant who is certified.

#### **351.4.1 MISSING AIRCRAFT**

The responsibility to locate all missing aircraft rests with the U.S. Air Force. In Oregon the OEM has original jurisdiction over missing civilian aircraft. When a civilian aircraft is determined to be down in Lincoln County, it then becomes the responsibility of this office to locate the aircraft. The Search and Rescue Division would then respond in a manner consistent with any other search.

#### **351.4.2 RESPONSE TO ELT SIGNALS**

Emergency locating transmitters (ELT) are portable signal beacons carried on many aircraft. The OEM will contact this office when a signal is detected within Lincoln County. Trained personnel will then be contacted to locate the source of the signal.

#### **351.4.3 EVIDENCE SEARCH**

Evidence searches are conducted at the request of a police agency. They involve assisting law enforcement in the search or collection of evidence related to an investigation. The Search and Rescue Team may be requested to provide personnel to assist. Evidence

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will not be handled by volunteer personnel unless specifically directed by an Evidence Technician/Deputy to do so.

#### **351.5 RESPONSIBILITIES AND DUTIES**

##### **351.5.1 SHERIFF'S OFFICE EMPLOYEES**

The Sheriff has elected to accept responsibility for Search and Rescue within Lincoln County. The Sheriff has designated a SAR coordinator and Assistant SAR coordinator, to assist in the implementation of the Search and Rescue Program.

##### **351.5.2 SHERIFF**

- (a) Overseeing, directly or indirectly, the search and rescue of lost individuals within Lincoln County;
- (b) Adopting search and rescue policies, procedures and plan for the county;
- (c) Providing department approval of search and rescue memorandums of understanding, letters of agreement, service contracts, wilderness area agreements, and mutual aid agreements;
- (d) Making final disciplinary decisions pertaining to search and rescue volunteer personnel;
- (e) Appointing volunteer personnel to assist in the search and rescue of lost individuals;
- (f) Making statements to the media regarding a search and rescue incident; (or their designee will make statements to the media when specifically authorized to do so by the Sheriff. SEE POLICY/ NEWS MEDIA RELEATIONS 346)
- (g) Authorizing expenditures of money, use of county property during a search and rescue incident.
- (h) Convening, as necessary, the patrol Lieutenant, Sergeant, and SAR Coordinators to decide to terminate or suspend a search and rescue mission.

##### **351.5.3 INVESTIGATING DEPUTY (FIRST DEPUTY ON SCENE)**

- (a) Making direct contact with complainant, witnesses, and others to obtain preliminary information pertaining to a case. A [MISSING PERSON QUESTIONNAIRE ICS-302](#) information sheet will be completed and given to the SAR Coordinator upon arrival at the scene or as soon as possible thereafter;
- (b) Responding to the mission site to provide initial search effort and continuing investigation until arrival of search and rescue personnel;
- (c) Restricting access to mission site to protect integrity of search area (ORS.401.570);
- (d) Making public relations contacts with family and friends of lost person;
- (e) Completing all required reports pertaining to initial investigation;

##### **351.5.4 PATROL SERGEANT**

- (a) Assuming role of Incident Commander or appointing another qualified individual to act as the same, if SAR Coordinators are not available.
- (b) Ensuring that ICS staff are performing their duties in a competent, diligent, and safe manner; and are operating within context of the Incident Command System;
- (c) Ensuring the SAR mission is operating according to approved county policies and procedures;

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- (d) Completing all required reports pertaining to the SAR Mission if in the Incident Command role;
- (e) Recommending disciplinary action for search and rescue volunteer personnel;
- (f) Ensuring that Critical Incident Stress debriefings are available for all personnel, to be administered by a qualified professional.

#### **351.5.5 SAR COORDINATOR(S)**

- (a) Annually reviewing the Search and Rescue Plan;
- (b) Developing and implementing search and rescue program policies, procedures and standards;
- (c) Assisting in the preparation of search and rescue memorandums of understanding, letters of agreement, service contracts, wilderness area agreements, and mutual aid agreements;
- (d) Reviewing and approving all required reports pertaining to Search and Rescue Missions and forwarding copies to appropriate agencies;
- (e) Recommending disciplinary action for search and rescue volunteer personnel;
- (f) Ensuring that appropriate briefings and debriefings occur for each incident;
- (g) Ensuring that Critical Incident Stress debriefings are available for all SAR personnel, to be administered by a qualified professional;
- (h) Assuming assigned role and appointing mission command staff and assigning their responsibilities;
- (i) Overseeing the assignment of volunteer personnel, including ensuring that each person has been trained and is capable of performing the assigned job;
- (j) Calling OEM and obtaining an incident number;
- (k) Completing a fact sheet for each search and rescue incident which contains the incident number assigned by OEM as required by [ORS 401.580](#);
- (l) Completing all other required reports pertaining to the search incident;
- (m) Implementing search and rescue procedures that are within county policy, and protect safety of emergency service workers;
- (n) Determining location and layout of base camp;
- (o) Wearing appropriate identification at all times during an incident;
- (p) Attending, as necessary, any council including the Sheriff, Lincoln County Legal Counsel, Lieutenant, and Sergeant, to decide to terminate or suspend a search and rescue mission.
- (q) Authorizing any approved expenditure of money and/or use of county property during an incident.

#### **351.5.6 ALL VOLUNTEER PERSONNEL**

- (a) Maintaining current, active membership with a unit recognized by the office as being part of the Search and Rescue Division;
- (b) Meeting the minimum training standards as defined in section VIII of this plan;
- (c) Being familiar with this Search and Rescue Plan and ORS Section 401;
- (d) Protecting the integrity of the search and rescue program and this office;
- (e) Working to the best of their individual abilities;

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- (f) Immediately refusing to perform an assignment for which one is not trained, is not capable, or does not feel comfortable performing.
- (g) At all times following the instructions of the activity, mission or incident staffs.
- (h) Wearing appropriate identification at all times during an incident
- (i) Making family and job a higher priority than search and rescue.

### **351.6 TRAINING**

#### **351.6.1 SAR CERTIFICATION**

- (a) Attend and pass a training course presented by the Search and Rescue Division known as the Search and Rescue Academy. This course meets the search and rescue criteria for certification set forth by the Oregon State Sheriff's Association (OSSA). To pass the Search and Rescue Academy an individual must successfully complete a series of performance skill objective tests administered during the course of the Academy. An individual must also obtain a minimum score of 80% on a written test administered at the conclusion of the Academy. The training includes:
  - 1. Radio Communications (2 hours)
  - 2. Map and Compass (12 hours)
  - 3. Search Techniques and Strategy (6 hours)
  - 4. Crime Scene Security (3 hours)
  - 5. Outdoor Survival (8 hours)
  - 6. Incident Command System (2 hours)
  - 7. Tracking (6 hours)
  - 8. Aircraft Safety & Victim Rescue (7 hours)
  - 9. Search Dog Orientation (1 hour)
  - 10. Hypothermia, Hypothermia recognition (2 hours)
  - 11. Blood Born Pathogen Awareness (2 hours)
  - 12. Policy (ORS 401, Lincoln County SAR Plan) and Safety Review (2 hours)
  - 13. Horse Awareness (2 hours)
- (b) Pass a basic first aid and CPR certification course and maintain certification.
- (c) Complete at least 60 hours of "approved training." The SAR Academy may be included as part of the 60 hours.

#### **351.6.2 SAR RE-CERTIFICATION**

- (a) Submit training records (for the past calendar year) to the SAR coordinator as required.
- (b) Complete the re-certification core curriculum consisting of:
  - 1. Map and Compass (4 hours)
  - 2. Survival Skills (2 hours)
  - 3. Maintain First Aid and CPR certification Complete re-certification if necessary
  - 4. Policy and Safety Review (1 hour)



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- (c) Complete 16 hours of additional "approved training" in specialty areas, such as tracking, survival, ICS, first aid, trail rides, etc.
  - 1. All SAR Certified personnel will participate in at least one (1) group training session each year. The training will be "approved training" as noted above.

#### **351.7 APPLICATION PROCEDURE FOR SEARCH AND RESCUE VOLUNTEER PERSONNEL.**

- (a) Any person interested in becoming a search and rescue volunteer in Lincoln County may apply. All applicants must follow the procedures outlined in the Lincoln County Sheriffs Office SAR policy.
- (b) New members with search and rescue experience may submit detailed documentation of their previous training/certification for review by the SAR coordinator. The SAR team will decide if the new member has met the requirements for SAR certification as specified in the training section, of this document. If all requirements for SAR certification have been met, and after attending Policy (ORS 401, Lincoln County SAR Plan) and Safety Review training, "SAR Certified" status may be granted.

#### **351.8 INSURANCE AND LIABILITY PROVISIONS FOR VOLUNTEER PERSONNEL**

##### **351.8.1 MEDICAL INSURANCE**

- (a) An emergency service worker may apply for and may receive benefits as provided in ORS 401.355 to 401.465 for injury sustained in emergency service performed within the state:
  - 1. Where the injury is proximately caused by or in the course of emergency service, with or without negligence of the emergency service worker.
  - 2. Where the injury is not caused by the voluntary intoxication of the emergency service worker.
  - 3. Where the injury is not intentionally self-inflicted.
  - 4. If a volunteer sustains an injury, benefits are paid by the county in accordance with the workers' compensation laws of the state (ORS 401.395), except that:
    - (a) If the injury results in temporary partial disability, no benefits accrue to the injured volunteer on account of lost wages due to such disability;
    - (b) Costs of rehabilitation services to disabled volunteer personnel are paid from funds specifically appropriated for this purpose by the State Office of Emergency Management;
    - (c) The amount of compensation for rehabilitation services must be approved by the State Emergency Manager, Emergency Management Division. It should compensate the volunteer for all reasonable and necessary costs, including the expense to acquire services provided by a qualified physician or facility. Reimbursed rehabilitation costs may also include travel, room and board, when necessary;
    - (d) The maximum amount payable for medical, surgical, hospital expenses, compensation and rehabilitation for any one claim shall not exceed \$20,000.

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5. Any volunteer who fails to register on the roster for the event associated with an injury is ineligible for insurance benefits.

#### **351.8.2 VOLUNTEER LIABILITY**

- (a) During the existence of an emergency, a volunteer in any emergency services activity, while complying with ORS 401 or any rule promulgated under those sections, shall not, except in cases of willful misconduct, gross negligence or bad faith, be liable for the death or injury of any person, or damage or loss of property, as a result of that activity.
- (b) Volunteer personnel in carrying out, complying with or attempting to comply with any order or rule issued under ORS 401 or any local ordinance, have the same degree of responsibility for their action and enjoy the same immunities as officers and employees of the state and its local governments performing similar work.

## **Mutual Aid and Outside Agency Assistance**

### **352.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this Sheriff's Office to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Sheriff's Office, when another law enforcement agency requests assistance with an arrest or detention of any person. This Sheriff's Office may also request an outside agency to provide assistance.

#### **352.1.1 ASSISTING OUTSIDE AGENCIES**

A supervisor should be notified of calls for assistance from other agencies when deputies are requested to respond outside of the County or to a major event.

Deputies should notify a supervisor when an authorized employee of another agency requests the assistance of the Sheriff's Office in taking a person into custody. If a deputy receives a request in the field for assistance, that deputy should notify a supervisor and respond to assist. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this Sheriff's Office provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Lincoln County Sheriff's Office Personnel. Probation violators temporarily detained by this Sheriff's Office will ordinarily be booked at the county jail.

#### **352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions, unless it involves a request for routine or emergency assistance (request to respond as a back-up officer). The handling deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

## Tsunami Preparedness

### 353.1 PURPOSE AND SCOPE

This policy outlines the response from deputies of the Lincoln County Sheriff's Office in the event of a tsunami. Our members are to be prepared for such an emergency, which includes making preparations for family members in the event of a tsunami. It is imperative that our family members be instructed and prepared to take appropriate action to safeguard themselves from the effects of a tsunami.

#### 353.1.1 POLICY

It is the policy and the responsibility of the Lincoln County Sheriff's Office to provide emergency response to citizens in the event of a natural disaster. This includes storms, flooding, earthquakes and tsunamis.

Our responsibility and obligation to be prepared and available to immediately respond to such an event cannot be overemphasized. A consensus of emergency management professionals has determined an elevation of 65 feet is a safe elevation from a coastal tsunami. Deputies are expected to be knowledgeable of the locations of Tsunami Hazard Zones in the county. Deputies are encouraged to learn the correlation of general elevation heights of 65 feet in relation to low-lying areas. The courthouse elevation is 131 feet at its base.

#### 353.1.2 DEFINITIONS

**Tsunami Wave** - A series of waves generated by offshore seismic activity. Note, the first wave may not be the largest, and danger may be present for several hours. In addition, a wave that is small in one location may be large and destructive in another location.

**Tsunami Watch Bulletin** - This bulletin is issued when an earthquake of sufficient magnitude has occurred off the coast of Hawaii or the Aleutian Islands, and the possibility of a seismic wave being generated exists.

**Tsunami Warning Bulletin** - This bulletin is issued when a seismic wave has been observed or detected. Information in the bulletin will include, whenever possible: general wave height, estimated time of arrival (ETA), preliminary location of the earthquake and magnitude. There is no other bulletin announcing the arrival of a tsunami after this warning is issued. This warning should be interpreted as "Proceed to High Ground Immediately".

**Tsunami Cancellation Bulletin** - This bulletin is issued to cancel a warning when reports indicate that a negligible wave, or no tsunami, has been generated.

**All Clear** - If damaging waves occurred, an all clear posture may be assumed when no further damaging wave action has occurred for two hours. If no wave action, or only "significant" waves occur, an all-clear status shall be assumed two hours after the anticipated ETA unless additional ETAs are announced.

**Cascadia Subduction Zone** - This area is located just off the coasts of Washington, Oregon and northern California.

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### *Tsunami Preparedness*

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#### **353.2 PROCEDURE**

##### **353.2.1 EARTHQUAKE**

In the event of an earthquake, personnel located in buildings are to:

- (a) Duck, cover and hold.
  - 1. Seek the protection under a desk, table or other area where you can protect yourself from falling debris.
  - 2. Do not stand in a doorway.
  - 3. Do not run out of a building during shaking as you place yourself at risk of being struck by falling debris and building materials.

##### **353.2.2 TSUNAMI WATCH**

When a Tsunami Watch bulletin is issued the following is to occur;

- (a) The communications center will notify the Patrol Commander, the Emergency Manager and the shift supervisor of the Watch Bulletin.
  - 1. A supervisor will decide if further notification of off-duty personnel is necessary.
  - 2. Ensure your family is advised that they may need to evacuate if a Warning Bulletin is issued.
  - 3. Patrol Division deputies will ensure their equipment is organized and available for response should a warning occur.
- (b) Deputies may consider including a supply of food and water with their supplies should an extended tour of duty be necessitated. This may result in days of isolation from supplies or relief.

##### **353.2.3 TSUNAMI WARNING**

When a Tsunami Warning is issued deputies will proceed as follows:

- (a) The communications center will page all personnel (deputies, supervisors, and Sheriff). This page will read, "Tsunami Warning". "ETA" followed by the amount of time the wave is expected.
  - 1. Personnel will not call the communications center, as the center will be inundated with telephone calls.
  - 2. If the quake is felt locally and continues for one minute or more, you will proceed to high ground immediately.
    - (a) Recommended elevation 65 feet.
    - (b) Arrival time of a tsunami from the Cascadia Subduction Zone will vary from 10 to 20 minutes from the time of the earthquake.
  - 3. If the quake is not felt locally and the warning advises the quake occurred near Hawaii or Alaska, deputies will have three (3) to four (4) hours before arrival of the first wave.
    - (a) Deputies will assist local fire districts in warning citizens who are located in Tsunami Hazard Zones only, starting with the lowest lying populated areas along the coastline and moving inland.

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1. Deputies will not normally warn citizens on the beach or engage in preventing people from accessing the beach other than to warn them of the hazard.
- (b) Deputies will terminate the warning of citizens when:
  1. Directed by a supervisor of the Lincoln County Sheriff's Office; or
  2. The warning is canceled; or
  3. When it appears that the deputy's ability to reach high ground is jeopardized due to such things as a high volume of motor vehicle traffic; or
  4. 30 minutes prior to the ETA of the first wave.
- (c) Some deputies may be assigned or determine that traffic control is necessary to accommodate any evacuation by motor vehicle that may occur.
- (d) The jail will initiate lock-down and remain in that state of condition until directed by the Jail Commander or the Sheriff to resume normal operations.
- (e) Corrections Deputies may be utilized to assist patrol deputies in warning citizens and should also be prepared for extended periods of isolation due to loss of highways and bridges.
- (f) Fire districts and the U.S. Coast Guard have identified preset staging areas. Currently, the following sites have been identified:
- (g)
  1. Depoe Bay Collins Street, north side of the bridge
  2. Depoe Bay - End of Schoolhouse Road, south end of the bridge
  3. Waldport Waldport Middle School, Crestline Drive

## Water Rescue

### 355.1 PURPOSE AND SCOPE

There are many streams, rivers, and lakes in Lincoln County and most notably the county is bordered by the Pacific Ocean. This makes Lincoln County an ideal place for water related recreation activities, but these activities are inherently dangerous. On occasion, some people are placed at risk of drowning or are involved in near drowning incidents. As first responders, it is important that deputies possess the necessary knowledge and equipment to assist in the safe rescue and recovery of these people, while at the same time protecting themselves from becoming a victim.

#### 355.1.1 DEFINITIONS

**Drowning** - Death caused by the asphyxiation of water or other liquid into the lungs, which prevents air from entering the lungs and re-oxygenating the blood. Death from drowning usually occurs after five minutes without oxygen, however, some people have been resuscitated after a longer period of time.

**Hypothermia** - A serious medical condition that occurs when the core temperature of the body falls below a level necessary to maintain life. Hypothermia is a common occurrence in near-drowning victims and requires immediate medical attention.

**Near Drowning** - An individual surviving more than 24 hours following suffocation by submersion in water.

**Personal Flotation Device** - A Personal Flotation Device (PFD) is a device worn by a person that provides that person with neutral buoyancy in water without the need for any physical effort. Commonly referred to as a "life jacket" and can be pneumatic or a floatable substance.

### 355.2 ARRIVING FIRST ON SCENE OF A WATER RESCUE

- (a) Take command of the rescue. The first priority is to prevent additional victims by not allowing would-be rescuers to enter the water. Only specially trained and equipped rescue personnel should be allowed to enter the water.
- (b) Patrol Deputies are provided with a Personal Flotation Device (PFD) in every patrol car. Deputies should put on (wear) the PFD at the earliest possible time, and always before approaching the water.
- (c) Deputies must provide up-to-date information to responding rescue units on location and number of victims, any known or potential hazards to rescue personnel, and offer recommendations for best approach to the scene and/or command post location.
- (d) Follow the four water rescue guidelines: Reach, Throw, Row, Don't Go.
  1. Reach. Hold on to a dock or boat and reach your hand, boat oar, fishing pole or whatever you have nearby to the person in the water.
  2. Throw. Toss something that floats to the person in the water. All patrol vehicles are equipped with a rescue throw rope.
  3. Row. If you have access to a boat, row out to the person in the water or enlist the assistance of someone else with a boat. Don't use the boat motor. The propeller could injure the person.

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### Water Rescue

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4. Don't go. Do Not go into the water unless you are specially trained in rescue swimming and properly equipped.

#### **355.3 ASSISTING FIRE SERVICE**

Upon the arrival of Fire Service or if Fire Service is already on scene, the Fire Service Command Officer will take command of the water rescue operation.

- (a) Deputies should assist Fire Command with scene security and other requests for assistance as necessary.
- (b) If the Fire Command Officer requests assistance from a dive team, the Deputy should immediately contact the Search and Rescue Coordinator and forward the request.
- (c) If the Fire Command Officer requests assistance from the Lincoln County Marine Patrol, the Deputy should contact the on-duty supervisor and forward the request.

#### **355.4 TREATMENT OF DROWNING AND NEAR-DROWNING VICTIMS FOR HYPOTHERMIA**

Hypothermia will almost always be present in drowning and near-drowning victims due to the submersion and asphyxiation of water. A further cooling of core body temperature occurs after the victim is removed from the cold environment. This after-drop is often responsible for post-rescue collapse.

- (a) In any water related rescue, drowning or near-drowning, it is essential to have emergency medical services on scene. Medical assistance should be summoned when there is a reasonable likelihood that a victim has been, or will be, recovered from the water.
- (b) If medical assistance is not immediately available, the Deputy should take any reasonable measures necessary to keep the person warm. Preventing respiratory heat loss and progressive cooling of the heart is essential.
  1. Avoid having the victim assist with their own rescue, if possible. Muscular activity by the hypothermic victim pumps cold peripheral blood from the arms and legs into the central circulation causing the core temperature to drop even further.
  2. If the person is not breathing, rescue breathing should be initiated immediately. Cardiopulmonary Resuscitation (CPR) should be begun immediately if there is no pulse present.
  3. Remove wet clothing. The body will waste much needed heat trying to warm wet clothing
  4. Recruit a witness while providing assistance to a female
  5. Wrap the person in a warm, dry blanket to protect against heat loss and wind chill.
  6. Maintain the person in a horizontal position and avoid rough movement and excess activity.
  7. The person should be transported to the nearest hospital immediately.



## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Lincoln County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the office will disseminate information and respond to public inquiries for information about registered sex offenders.

### 356.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 356.3 REGISTRATION

The Chief Civil Deputy shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Oregon State Police in accordance with [ORS 181.598](#).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

#### 356.3.1 CONTENTS OF REGISTRATION

Registrants shall ([ORS 181.595](#)):

- (a) Provide the information to complete the sex offender registration form and sign it.
- (b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.
- (c) Submit to fingerprinting, if required.

### 356.4 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff or his/her designee if warranted. A determination will be made by the Sheriff or designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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### *Registered Offender Information*

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Members of the public requesting information on registrants should be provided the [Sex Offender Inquiry System](#), <http://sexoffenders.oregon.gov/>, or the Lincoln County Sheriff's Office's website.

The Chief Civil Deputy or designee shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests ([ORS 181.588](#); [ORS 181.589](#); [ORS 181.592](#); [ORS 192.410](#) ~~€š~~ [192.505](#)).

#### **356.4.1 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register, who are in compliance with the offender registration laws and who the law permits to be included.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The information on this website may not reflect the entire criminal history of a registered offender.
- (e) Anyone who uses information contained in the registry to harass or discriminate against registrants or commit any crime may be subject to criminal prosecution and/or civil action.

## Major Incident Notification

### 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

### 358.2 POLICY

The Lincoln County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic crashes with fatalities
- Officer-involved shooting on- or off-duty (see the Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to an employee on- or off-duty
- Death of a prominent official
- Arrest of Sheriff's Office employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other event likely to attract media attention

### 358.4 SUPERVISOR RESPONSIBILITY

The Supervisor is responsible for making the appropriate notifications. The Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Supervisor shall attempt to make the notifications as soon as practicable.

#### 358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Division Commander shall be notified along with the Sheriff.

#### 358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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## Death Investigation

### 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

### 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

A death investigation checklist will be completed.

#### 360.2.1 DA, SUPERVISOR, AND MEDICAL EXAMINER NOTIFICATION

[Oregon Revised Statutes 146.090](#) requires that a medical examiner must be notified in the following circumstances.

- (a) Any death:
  - 1. Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances
  - 2. Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents
  - 3. Occurring while incarcerated in any jail, correction facility, or in police custody
  - 4. Apparently accidental or following an injury
  - 5. By disease, injury or toxic agent during or arising from employment
  - 6. While not under the care of a physician during the period immediately previous to death
  - 7. Related to disease which might constitute a threat to the public health
  - 8. In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community
- (b) The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner or Deputy Medical Examiner, and the District Attorney.
- (c) A Medical Examiner, Deputy Medical Examiner, or District Attorney, in conjunction with the Lincoln County Sheriff's Office and/or the county Major Crime Team, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death.
- (d) The members of the Lincoln County Sheriff's Office will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

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### *Death Investigation*

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1. The deputy will contact a supervisor, the on-call DA and Medical Examiner and provide them with the following information from the scene (the request will be made through the communications center):
  - (a) Name, age, sex, brief medical history.
  - (b) Name of attending physician, or usual doctor, if known.
  - (c) Any information that may be helpful in deciding if the death may not be natural or needs to be investigated/reviewed (possible suicide, accident, homicide, pediatric death, concern about neglect or abuse prior to death.)
- (e) The Medical Examiner and DA will authorize release of the body.

#### **360.2.2 SEARCHING DEAD BODIES**

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased, a receipt shall be obtained. This receipt shall be attached to the death report.

Deputies must make a reasonable search of an individual who reasonably appears to be dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a donor refusal. If a document of gift or a refusal to make an anatomical gift is located and the individual or deceased individual is taken to a hospital, the deputy must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970). Deputies must consider the integrity of the scene and evidence collection issues when deciding whether a search is reasonable.

#### **360.2.3 DEATH NOTIFICATION**

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

The deputy may request assistance from a chaplain in making the notification.

#### **360.2.4 UNIDENTIFIED DEAD BODIES**

If the identity of a dead body cannot be established, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### **360.2.5 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on the appropriate medical examiner form. The form will be forwarded to the Medical Examiner either by sending it with the deceased to the funeral home, emailing, or faxing it to the Medical Examiner.

Any death involving a child will require the deputy to forward a copy of their completed report to the Department of Human Services (DHS).

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#### **360.2.6 SUSPECTED HOMICIDE**

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the supervisor shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### **360.2.7 PRESCRIPTION MEDICATIONS**

Prescription medicines will not be seized unless the investigating deputy believes the medication may have been a contributing factor in the death. Deputies seizing prescription medicine will follow the procedure outlined in the Property Procedures Policy, §804. The prescription medicine will be held for a period of 30 days. At the end of the 30-day period, the evidence control officer will contact the District Medical Examiner to find out if the medicine is to be held any longer. If not, the evidence control officer will destroy the medicine.

The following medications will be seized and taken to a lock box location and deposited in the designated lock box for removal by the Medical Examiner. These medications will be inventoried and included on an evidence form. A copy of the form will be included with the medications:

Alphaprodine (Nisentyl), Anileridine (Leritine), Codeine (Tylenol #2,3,4, many cough syrups), Fentanyl (Duragesic Patch, Actiq-lolliop, Sublimaze, Innovar), Hydrocodone (Vicodin, Norco), Hydromorphone (Dilaudid), Methadone (Dolophine, Amidone, Methadose), Morphine (MS Contin, Avinza, Kadian, Rosanol, Oramorph, RMS, MSIR, MS-morphine sulfate), Oxycodone (Percocet, Percodan, Oxycontin, Endocet, Roxicet, Roxicodone), Oxymorphone (Opana, Numorphan), Propoxyphine (Darvon, Darvocet), Pentazocine (Talwin).

Locations of designated lock boxes:

- Lincoln City Police Department
- Lincoln County Communications Agency (LinCom)

All other medications will be sealed in a bag and sent with the body to the funeral home.

- A list of these medications will be included on the death investigation form.

Illegal substances will be seized by the deputy and placed into evidence.

#### **360.2.8 FINGERPRINTING**

The deputy will conduct a criminal history check of the deceased. If the deputy determines the deceased had a prior criminal history, they will fingerprint the deceased. The fingerprints will be forwarded to the state repository that holds that criminal history on file, with a copy of the police report attached.

#### **360.2.9 PHOTOGRAPHS**

Photograph the body upon arrival at the scene, prior to moving it (even if it was moved prior to your arrival).

Photograph the scene where the body is found.

Email a maximum of three photographs (unless you determine a need for more based on the investigation) to the Medical Examiner along with the Medical Examiners worksheet.

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Submit all photographs taken into evidence.

#### **360.3 PARTNERS IN LIFE TISSUE DONOR PROGRAM**

A deputy who is present at a death investigation which has occurred within the previous 15-hour period, including a motor vehicle collision and/or any other situation where a death is declared, shall follow the following guidelines to ensure timely notification.

When time allows, deputies shall obtain the following information to be relayed to dispatch:

- (a) Location of the deceased
- (b) Approximate time of death
- (c) Number of deceased
- (d) Gender of deceased
- (e) Age or approximate age of the deceased
- (f) If the family of the deceased has been notified.

Once this information is obtained, the deputy will provide it to the communications center via MDC, phone, or radio. Deputies will note on the medical examiners form that the notification was made. The communications center will then forward the information to a 24-hour program contact number.

## Identity Theft

### 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person own use the personal identification of another person ([Oregon Revised Statutes 165.800](#)). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, deputies presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this Sheriff's Office. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:
  1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this Sheriff's Office should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.



## **Bad Check Investigations**

### **363.1 PURPOSE AND SCOPE**

This purpose of this policy is to provide Deputies with the procedures for handling bad check investigations.

#### **363.1.1 POLICY**

It is the policy of this office to investigate all bad check cases that meet the minimum requirements as set by the District Attorney as follows:

- (a) All requests for bad check investigation must include the driver's license number of the person passing the check. All arrest warrant entries in the state and federal computer require identification.
- (b) Accept no check for investigation unless the victim can provide the name of the person who accepted the check.
- (c) No two party checks, post dated checks or checks which the victim has been required to hold for a period of time before presenting to the bank.
- (d) Do not accept checks written in payment of a revolving account, unless additional items are charged at the time the check was written.
- (e) Do not accept checks, which have not been presented to the bank within 30 days of acceptance, unless the victim has ascertained from the bank that there are insufficient funds to honor the check.
- (f) Except for closed accounts, the victim must present the check to the bank for collection twice, at least 20 days apart.
- (g) Before accepting any check for investigation, the victim must have sent a certified letter (return receipt requested) to the person passing the check, or has personally contacted the person who wrote the check to inform them the check has been dishonored. Contact with friends or relatives of the person passing the check will not suffice.
- (h) Accept no check that was written more than six months before being presented for investigation.
- (i) No checks of less than \$50.00, or the aggregate total of checks dishonored in our county is less than \$100.00 will be accepted.

### **363.2 PROCEDURE**

When a Deputy receives a complaint of a bad check, the Deputy will have the victim complete the "Request For Investigation" form (front side only) and return it to this office. The "Request for Investigation" MUST contain the original check, the demand letter, and original return receipt.

After receiving the above documents, the Deputy will route them to the Investigations Division where they will be assigned to a Detective who will obtain a case number.

The Detective will contact the victim and complete the reverse side of the "Request For Investigation". The Detective will then complete the "Financial Institution Form" and send it to the appropriate bank for processing.

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### *Bad Check Investigations*

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The Detective will make an attempt to contact the suspect and inform them that our office has received a "complaint". The Detective will then complete an "Affidavit In Support Of Arrest" and have it notarized. They will then send the District Attorney a copy of the police report, the original affidavit, a photocopy of the check and a copy of the bank report, stapled together in that order.

If additional checks are received on the suspect prior to conviction, another report, using the same case number, will be completed and forwarded to the District Attorney for processing. If the additional check is from a different victim, a new case number will be issued. Note: If the bank records obtained on the original case are within the same time frame as the new case, an additional request will not be necessary.

If the investigation reveals that the check(s) do not meet the District Attorney's requirements, the Deputy will contact the victim and advise him so, and then complete a card report with the name of the victim, suspect, and clearing the case by exception.

## Private Persons Arrests

### **364.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to [Oregon Revised Statutes 133.220\(3\)](#).

### **364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS**

Deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### **364.3 ARRESTS BY PRIVATE PERSONS**

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer ([Oregon Revised Statutes 133.225](#)).

In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person's escape.

### **364.4 DEPUTY RESPONSIBILITIES**

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no probable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
  - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever a deputy determines that there is probable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
1. Take the individual into physical custody for booking.
  2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

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## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Lincoln County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 368.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Sheriff's Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the [DOJ website](#), to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by members, or who may benefit from programs or services within the jurisdiction of the Sheriff's Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **368.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Lincoln County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Sheriff's Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Sheriff's Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept provided LEP services at no cost or they may choose to provide their own.

Sheriff's Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **368.5 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. Supervisors will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **368.6 AUDIO RECORDINGS**

The Sheriff's Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

##### **368.6.1 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

##### **368.7 AUTHORIZED INTERPRETERS**

Any person designated by the Sheriff's Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in

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the case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must demonstrate that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **368.7.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Sheriff's Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other agencies.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Sheriff's Office has a resource-sharing or other arrangement that they will interpret according to guidelines.

#### **368.7.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Sheriff's Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **368.8 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that

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such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Sheriff's Office or some other identified source.

#### **368.9 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Lincoln County Sheriff's Office will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **368.10 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **368.11 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.



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The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

#### **368.12 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

##### **368.12.1 INTERPRETER REQUIRED IN ARRESTS**

A deputy who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law ([ORS 133.515](#)).

#### **368.13 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **368.14 COMPLAINTS**

The Sheriff's Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Sheriff's Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to a supervisor.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **368.15 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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#### **368.16 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Sheriff's Office will provide periodic training on this policy and related procedures; including how to access authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter.

##### **368.16.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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## Communications with Persons with Disabilities

### 370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 370.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

**Deaf or hard of hearing** - An individual who has or is regarded as having substantially limited hearing with or without assistance.

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

### 370.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The County shall delegate certain responsibilities to an ADA Coordinator(s) (28 CFR 35.107). The ADA Coordinator shall be directly responsible to the Division Commanders or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Supervisor. The list should include information regarding the following:

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1. Contact information
  2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
  - (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
  - (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **370.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **370.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
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- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Lincoln County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **370.6 TYPES OF ASSISTANCE AVAILABLE**

Lincoln County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Sheriff's Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Sheriff's Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept provided auxiliary aids or services or they may choose to provide their own.

Sheriff's Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **370.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Sheriff's Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

#### **370.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
  - (b) Experienced in providing interpretation services related to law enforcement matters.
  - (c) Familiar with the use of VRS and/or video remote interpreting services.
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- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### **370.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

#### **370.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

#### **370.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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#### **370.12 REPORTING**

Whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Sheriff's Office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **370.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Sheriff's Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

##### **370.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

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Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **370.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

##### **370.14.1 INTERPRETER REQUIRED IN ARRESTS**

A deputy who arrests a person who is deaf, has a physical hearing impairment or physical speaking impairment shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law ([ORS 133.515](#)).

#### **370.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **370.16 COMPLAINTS**

The Sheriff's Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Sheriff's Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA Coordinator and a supervisor.



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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Sheriff's Office.

#### **370.17 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office should provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

## Stalking

### **376.1 PURPOSE AND SCOPE**

This policy establishes procedures for the investigation and enforcement of stalking complaints ([Oregon Revised Statutes 163.730 to 163.755](#)).

#### **376.1.1 POLICY**

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Lincoln County Sheriff's Office to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney's Office.

### **376.2 UNIFORM STALKING COMPLAINT**

The Sheriff's Office will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Deputies will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, deputies will review and sign the form. Deputies will complete a thorough investigation for those incidents occurring in our jurisdiction, or will forward the complaint to the primary jurisdiction where the incident occurred. All stalking incident reports shall be forwarded to the District Attorney's Office, regardless of whether any civil or criminal action was taken, within three days ([ORS 163.738\(7\)](#)).

### **376.3 UNIFORM STALKING CITATION**

The bottom half of the Uniform Stalking Complaint is a Uniform Stalking Citation. The citation is a civil summons for the respondent to appear at a hearing to determine if a Stalking Protective Order will be issued against the respondent. Deputies will complete and attempt to serve a Uniform Stalking Citation, with a court date set for three judicial days (business days excluding holidays) from the date the citation was served, on the respondent in every case where:

- (a) The deputy has received a completed Uniform Stalking Complaint, and
- (b) The deputy has probable cause to believe that the elements of [Oregon Revised Statutes 163.732\(1\)](#), (Stalking) have occurred.

#### **376.3.1 SERVICE OF STALKING CITATIONS**

- (a) If the citation is served, the deputy is required to advise the respondent of the court date and time and location of appearance. Deputies should advise the respondent of the following:
  - 1. Engaging in behavior that alarms or coerces the petitioner may result in their arrest; and
  - 2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation; and

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3. If they fail to appear at the hearing a warrant will be issued for their arrest, as well as a Stalking Protective Order.
- (b) If a Uniform Stalking Citation is issued, attach the top three copies to the case report. Provide the pink copy to the petitioner (pink) and goldenrod copy to the respondent.
- (c) If there is probable cause to issue a citation, but the citation is not served, deputies should document attempts to serve the respondent.
- (d) If the citation is served on the respondent, the DA's office will initiate the hearing process.
  1. A private attorney
  2. Legal Aid
  3. The District Attorney's office Victim's Assistance Unit
- (e) If the citation is served on the respondent, the petitioner should be advised that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

### **376.4 ARREST**

Deputies may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive.

#### **376.4.1 STALKING PROTECTIVE ORDERS**

Once the court issues a Stalking Protective Order and it is served on the Respondent, deputies may arrest the respondent for violating the terms of the order ([Oregon Revised Statutes 163.750](#)).

#### **376.5 RESTRAINING ORDERS**

Court stalking orders and restraining orders are different and are not mutually exclusive. Stalking reports may be appropriate even if a valid restraining order is in place.

## Chaplains

### **378.1 PURPOSE AND SCOPE**

The Lincoln County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Sheriff's Office, their families and members of the public.

### **378.2 POLICY**

It is the policy of this Sheriff's Office that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### **378.3 GOALS**

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for Sheriff's Office personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Sheriff's Office.
- (c) By providing counseling, spiritual guidance and insight for Sheriff's Office personnel and their families.
- (d) By being alert to the spiritual and emotional needs of Sheriff's Office personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

### **378.4 REQUIREMENTS**

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
- (f) Possess a valid Oregon Driver License.

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#### **378.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board, or council.
- (c) Interview with Sheriff
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

#### **378.6 DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Sheriff's Office.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Sergeant or supervisor aids in accomplishing the mission.
- (g) Being on call and if at all possible, on duty during major demonstrations or any public function that requires the presence of a large number of personnel.
- (h) Counseling with deputies and other personnel with personal problems when requested.
- (i) Attending academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Sheriff's Office.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession as requested.
- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of other various denominations.
- (q) Making referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the office or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance

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or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that was provided while functioning as a chaplain for the Lincoln County Sheriff's Office.

#### **378.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the Office may work or volunteer for the Lincoln County Sheriff's Office in any capacity other than that of chaplain.

Chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Lincoln County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **378.8 COMMAND STRUCTURE**

- (a) Under the general direction of the Sheriff or his/her designee, chaplains shall report to the Supervisor.
- (b) The Sheriff shall make all appointments to the Chaplain Program.

#### **378.9 OPERATIONAL GUIDELINES**

- (a) Chaplains shall be permitted to ride with deputies during any shift and observe Lincoln County Sheriff's Office operations, provided the supervisor has been notified and approved of the activity.
- (b) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (c) In responding to incidents, a chaplain shall never function as a deputy.
- (d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (e) Chaplains shall serve only within the jurisdiction of the Lincoln County Sheriff's Office unless otherwise authorized by the Sheriff or his designee.
- (f) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

##### **378.9.1 UNIFORMS AND BADGES**

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this Sheriff's Office.

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## Telephone Procedures

### **379.1 PURPOSE AND SCOPE**

Public perception of the Lincoln County Sheriff's Office relies primarily on the first impressions of Sheriff's Office employees, both through in-person contact and by responding to telephone calls. Sheriff's Office employees answering the telephone must maintain a polite and business-like demeanor to foster a professional image of this Office.

#### **379.1.1 OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION (GSPC)**

The Oregon Government Standards and Practices Commission (GSPC) address the personal use of publicly owned telephones and cellular phones.

### **379.2 USE OF COUNTY OR PUBLICLY OWNED PHONES**

- (a) Use of Department or any publicly owned phone is restricted to official business.
  - 1. On occasion, personal calls on non-cellular phones may be necessary, but they should be limited to emergencies or essential personal business and must be brief.
  - 2. Personal long distance calling from public agency telephones (regular or cellular) is prohibited, even if reimbursed.
    - (a) If a personal long distance phone call is necessary, the employee must use a regular telephone and a personal calling card or call collect and must bear the total cost of the call.
- (b) Personal use of publicly owned cellular phones is prohibited except in clearly urgent situations.
  - 1. An example is when a deputy is unexpectedly being required to work past the normal end of a shift, when no other telephone is available and the call is related to the conduct of official business.
- (c) Reimbursement is not sufficient to avoid the violation.
- (d) The GSPC recommends that public employees obtain and carry their own cellular telephones for personal use at their own expense.

### **379.3 PROCEDURE**

When answering a telephone call originating from outside the work site, employees will identify their affiliation with the department by identifying themselves as employees of the Lincoln County Sheriff's Office, or division of assignment, as appropriate.

Employees are reminded that they should always identify themselves when calling on Department business. The GSPC can impose civil penalties of up to \$1000 per violation.

## **Child and Dependent Adult Safety**

### **380.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Elder Abuse Policy.

### **380.2 POLICY**

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Lincoln County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

### **380.3 PROCEDURES DURING AN ARREST**

When encountering an arrest or prolonged detention situation deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### **380.3.1 AFTER AN ARREST**

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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### *Child and Dependent Adult Safety*

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Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  2. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services, if appropriate.
- (d) Notify a supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### **380.3.2 DURING THE BOOKING PROCESS**

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### **380.3.3 REPORTING**

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  1. Name
  2. Sex
  3. Age
  4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  1. Name

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### *Child and Dependent Adult Safety*

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2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

#### **380.3.4 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **380.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should consider contacting the appropriate welfare service or other approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **380.5 TRAINING**

The Training Sergeant is responsible to ensure that all members of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Lincoln County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with [Title II of the Americans with Disabilities Act of 1990](#) (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 382.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include any animal that is trained to assist a person with a physical impairment in one or more daily life activities ([ORS 346.680](#)).

#### 382.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Members are expected to treat individuals with service animals with the same courtesy and respect that the Lincoln County Sheriff's Office affords to all members of the public.

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### *Service Animals*

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this office are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

## Off-Duty Law Enforcement Actions

### 388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Lincoln County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 388.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any certified member of this office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 388.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty deputies shall also carry their issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

### 388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or EID.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.

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### *Off-Duty Law Enforcement Actions*

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- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should wait for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **388.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Lincoln County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

#### **388.4.2 INCIDENTS OF PERSONAL INTEREST**

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

#### **388.4.3 CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **388.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

#### **388.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify a sergeant as soon as practicable. The sergeant will determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Social Media

### 389.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this office's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

#### 389.1.1 POLICY

Social media provides a new and potentially valuable means of assisting this Office and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by the Sheriff and supervisory personnel. This Office also recognizes the role that these tools play in the personal lives of some Sheriff's Office personnel. The personal use of social media can have bearing on Office personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Sheriff's Office personnel.

#### 389.1.2 DEFINITIONS

**Blog** - A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

**Page** - The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

**Post** - Content an individual shares on a social media site or the act of publishing content on a site.

**Profile** - Information that a user provides about himself or herself on a social networking site.

**Social Media** - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and videosharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

**Social Networks** - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

**Speech** - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

**Web 2.0** - The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

# Lincoln County Sheriff's Office

## Policy Manual

### Social Media

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**Wiki** - Web page(s) that can be edited collaboratively.

## **389.2 ON-THE-JOB USE**

### **389.2.1 SHERIFF'S OFFICE-SANCTIONED PRESENCE**

Determine strategy

- (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Sheriff's Office presence on the website.
- (b) Where possible, the page(s) should link to this Office's official website.
- (c) Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

Procedures

- (a) All Sheriff's Office social media sites or pages shall be approved by the Sheriff or his or her designee and shall be administered by the Sheriff or his or her designee.
- (b) Where possible, social media pages shall clearly indicate they are maintained by the Sheriff's Office and shall have appropriate contact information prominently displayed.
- (c) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
  1. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
  2. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- (d) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Sheriff's Office.
  1. Pages shall clearly indicate that posted comments will be monitored and that the Sheriff's Office reserves the right to remove obscenities, off-topic comments, and personal attacks.
  2. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Sheriff's Office Sanctioned Use

- (a) Sheriff's Office personnel representing this office via social media outlets shall do the following:
  1. Conduct themselves at all times as representatives of the Lincoln County Sheriff's Office and, accordingly, shall adhere to all Office standards of conduct and observe conventionally accepted protocols and proper decorum.
  2. Identify themselves as a member of the Sheriff's Office.
  3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Sheriff's Office training, activities, or work-related assignments without express written permission.
  4. Not conduct political activities or private business.



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## Policy Manual

### *Social Media*

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- (b) The use of Sheriff's Office computers by office personnel to access social media is prohibited without authorization.
- (c) Sheriff's Office personal use of personally owned devices to manage the office social media activities or in the course of official duties is prohibited without express permission.
- (d) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

#### **389.2.2 POTENTIAL USES**

Social media is a valuable investigative tool when seeking evidence or information about:

- (a) missing persons;
- (b) wanted persons;
- (c) gang participation;
- (d) crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
- (e) photos or videos of a crime posted by a participant or observer.

Social media can be used for community outreach and engagement by:

- (a) providing crime prevention tips;
- (b) offering online-reporting opportunities;
- (c) sharing crime maps and data; and
- (d) soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip)
- (e) educating public about the Sheriff's Office.

Social media can be used to make time-sensitive notifications related to:

- (a) road closures,
- (b) special events,
- (c) weather emergencies, and
- (d) missing or endangered persons
- (e) town halls.

Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

The Lincoln County Sheriff's Office has an obligation to include Internet-based content when conducting background investigations of job candidates.

Searches should be conducted by a nondecision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

Search methods shall not involve techniques that are a violation of existing law.

Vetting techniques shall be applied uniformly to all candidates.

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Every effort must be made to validate Internet-based information considered during the hiring process.

#### **389.3 PERSONAL USE**

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Lincoln County Sheriff's Office will carefully balance the individual employee's rights against the Sheriff's Office needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

Employees should follow the guidelines in Policy 1060, Employee Speech, Expression and Social Networking regarding personal use of social media sites.

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**Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Sheriff's Office to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Lincoln County Sheriff's Office, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature
- (d) Investigation of both criminal and non-criminal acts
- (e) The apprehension of criminal offenders
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other divisions within the Sheriff's Office, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies
- (i) Traffic direction and control

#### 400.1.2 TERRORISM

It is the goal of the Lincoln County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to a Detective.

### 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-office cooperation and information flow between the various divisions of the Lincoln County Sheriff's Office.

#### 400.2.1 CRIME ANALYSIS

Criminal information and intelligence reports can be submitted to Records for distribution to all divisions within the Sheriff's Office through regular and special bulletins.

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### *Patrol Function*

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#### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

#### **400.2.3 PATROL BRIEFINGS**

Patrol supervisors are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol briefings as time permits.

#### **400.2.4 INFORMATION BINDERS**

Several information binders will be maintained in the briefing room and will be available for review by deputies from all divisions within the Sheriff's Office. These will include, but not be limited to, the briefing binder, the wanted persons binder, and the written directive binder.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## **Racial- or Bias-Based Profiling**

### **402.1 PURPOSE AND SCOPE**

This policy provides guidance to members and establishes appropriate controls to ensure that employees of the Lincoln County Sheriff's Office do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

#### **402.1.1 DEFINITION**

Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

### **402.2 POLICY**

The Lincoln County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### **402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED**

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

### **402.4 MEMBER RESPONSIBILITY**

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

#### **402.4.1 REASON FOR DETENTION**

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

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### *Racial- or Bias-Based Profiling*

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#### **402.5 TRAINING**

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Sergeant.

## Briefing Training

### **404.1 PURPOSE AND SCOPE**

Briefing training is generally conducted before a patrol or corrections deputy's assigned shift. Briefing training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts Briefing training; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying deputies of changes in schedules and assignments
- (c) Notifying deputies of new Sheriff's Office Directives or changes in Sheriff's Office Directives. Reviewing recent incidents for training purposes
- (d) Providing training on a variety of subjects

### **404.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.



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## Crime and Disaster Scene Integrity

### 406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

### 406.2 CRIME SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident generally is responsible for the preservation of the scene. Deputies shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene the deputy shall continue until relieved by a supervisor.

#### 406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure that no suspects are still within the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log, noting critical times and personnel allowed access.

#### 406.2.2 MEDIA ACCESS

Authorized and bona fide members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations
  1. Reasonable effort should be made to provide a safe staging area for the media that is nearest the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through a supervisor or designated Public Information Officer.
  2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests

# Lincoln County Sheriff's Office

## Policy Manual

### *Crime and Disaster Scene Integrity*

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for a TFR should be routed through the supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted.

- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the expressed consent of the person in custody.

Media representatives will not be allowed to enter the outer or inner perimeter of a crime scene while an incident or investigation is in progress. A tactical operation should be handled in the same as a crime scene, except that the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Sheriff's Office members shall not jeopardize a tactical operation in order to accommodate the news media, but every effort shall be made to keep them well informed of the progress of the operation. All comments and statements to the media shall be coordinated through a supervisor.

#### **406.2.3 TEMPORARY FLIGHT RESTRICTIONS**

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the supervisor.

#### **406.2.4 EXECUTION OF HEALTH ORDERS**

Any certified member of this office is authorized to execute and enforce all lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

#### **406.3 SEARCHES AT CRIME OR DISASTER SCENES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

##### **406.3.1 AUTHORITY TO SEARCH**

In order to search, deputies must have probable cause to believe that a crime has occurred and evidence of the crime will be found at the location. Absent consent, a search warrant is generally required to authorize continued search once a scene is stabilized.

##### **406.3.2 CONSENT**

Any person who has an expectation of privacy has standing to object to a search. That may include anyone with a property interest in the location, as well as any resident, tenant, or guest, depending on the circumstances. It may not be possible to identify everyone with standing to object, and from whom consent must be obtained, at the early stages of the

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investigation. Deputies should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

## **SWAT Containment Team**

### **408.1 PURPOSE AND SCOPE**

The purpose of the SWAT Containment Team is to respond to high risk incidents to assist patrol officers in containing the situation until a full service SWAT team arrives. The goal of the Containment Team is to provide the maximum amount of protection to innocent persons and other law enforcement officers.

#### **408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY**

SWAT operations are governed by the SWAT Interagency Agreement. Involvement of agency personnel in SWAT operations will also be governed by this policy.

The Policy Manual sections pertaining to SWAT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Sheriff's Office personnel allowing for appropriate on-the-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### **408.1.2 SWAT CONTAINMENT TEAM DEFINED**

Certain critical incidents are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, drug eradication, and other high-risk incidents.

The SWAT Containment Team is a designated unit of local law enforcement officers that is specifically trained and equipped to work as a coordinated team to assist patrol officers contain the situation until a full service SWAT team arrives. The Containment Team trains and is prepared to act to resolve an incident prior to a full service SWAT team arrives if the situation deems it, such as an "active shooter." As a matter of agency policy, such a unit may also be used to serve warrants, both search and arrest, when the mission does not meet the requirements for a full service SWAT team.

The SWAT Containment Team will work under the command of a full service team upon their arrival to an incident.

### **408.2 LEVEL OF CAPABILITY/TRAINING**

The Lincoln Interagency SWAT Containment Team is not a full service team. It is capable of providing containment until a full service team arrives, or intervention if the situation becomes so dangerous that waiting is not an option. The team members have regular assignments other than SWAT and may, or may not, work together on a daily basis. The team is an interagency team. It is intended, however, that they respond to incidents as a team. Team members receive a minimum of eight hours of training per month and one 40-hour training session per year as a team. The SWAT Containment Team operates in accordance with laws, rules and procedures.

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#### **408.3 AGENCY POLICY**

It shall be the policy of this agency to participate in the Lincoln Interagency SWAT Containment Team and to provide the equipment, manpower, and training necessary to meet its obligations under the Interagency Agreement. The Containment Team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators, and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceed their training levels due to the exigency of the circumstances.

#### **408.3.1 POLICY CONSIDERATIONS**

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to the Team. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

#### **408.3.2 ORGANIZATIONAL PROCEDURES**

The Lincoln Interagency Agreement shall include a separate written set of organizational procedures which should address, at minimum:

- (a) Locally identified specific missions the team is capable of performing
- (b) Team organization and function
- (c) Personnel selection and retention criteria
- (d) Training and required competencies
- (e) Procedures for activation and deployment
- (f) Command and control issues, including a clearly defined command structure
- (g) Specialized functions and supporting resources

#### **408.3.3 OPERATIONAL PROCEDURES**

- (a) The SWAT Containment Team operates in accordance with policies, laws, and procedures for containing a critical field operation until a full service SWAT team arrives.
- (b) Operational procedures are outlined in the Interagency Agreement.

#### **408.4 TRAINING NEEDS ASSESSMENT**

The SWAT Containment Team Commander shall conduct an annual training needs assessment to ensure that training is conducted within team capabilities and agency policy.

#### **408.4.1 INITIAL TRAINING**

New SWAT Containment members will attend a Basic SWAT Course or its equivalent as soon as practical.

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#### **408.4.2 SWAT CONTAINMENT TEAM ONGOING TRAINING**

Training shall be coordinated by the Team Leader. In addition to specialized training, the Team Commander may conduct training exercises to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

- (a) Each member shall perform a physical fitness test annually. A minimum qualifying score must be attained by each team member.
- (b) Any team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 60 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt will result in dismissal from the team.
- (c) Those team members who are on vacation, ill, or are on modified duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within thirty (30) days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30 day period shall be considered as having failed to attain a qualifying score for that test period.
- (d) Each team member shall maintain a 95% score on the agency handgun qualification course. Failure to qualify will require that member to seek remedial training from a team range master approved by the Team Commander. Team members who fail to qualify must retest within 60 days. Failure to qualify within 60 days with or without remedial training will result in dismissal from the team.

#### **408.4.3 TRAINING SAFETY**

Use of a designated safety officer should be used for all tactical training.

#### **408.4.4 SCENARIO BASED TRAINING**

The SWAT Containment Team should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

#### **408.4.5 TRAINING DOCUMENTATION**

Individual and team training shall be documented and records maintained by the Training Sergeant. Such documentation shall be maintained in each deputy's individual training file. A separate SWAT Containment Team training file shall be maintained with documentation and records of all team training.

### **408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

#### **408.5.1 ON-SCENE DETERMINATION**

Interagency SWAT Containment Team members should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

#### **408.5.2 EQUIPMENT**

The SWAT Containment Team should be adequately equipped to meet the specific mission(s) identified by the participating agencies:

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#### **408.5.3 FIREARMS**

Weapons and equipment used by SWAT Containment Team members should be agency-issued or approved, including any modifications, additions, or attachments.

#### **408.6 MANAGEMENT/SUPERVISION OF SWAT CONTAINMENT TEAM**

The Commander of the SWAT Containment Team shall be selected by the Sheriff.

##### **408.6.1 PRIMARY UNIT MANAGER**

Under the direction of the Sheriff, through the Patrol Operations Division Commander, the SWAT Containment Team shall be managed by a lieutenant.

##### **408.6.2 TEAM LEADERS**

The SWAT Containment Team will be supervised by a team leader.

The team leader shall be selected by the Sheriff upon specific recommendation by staff and the Team Commander.

The following represent the team leaders responsibilities for the SWAT Containment Team:

- (a) The Containment Team leader's primary responsibility is to supervise the operations of the Team, which will include deployment, training, first line participation, and other duties as directed by the Team Commander.

#### **408.7 SWAT CONTAINMENT TEAM ADMINISTRATIVE PROCEDURES**

The SWAT Containment Team was established to provide a skilled and trained team which may be deployed to assist law enforcement in containing an incident until a full service SWAT team arrives.

The following procedures serve as directives for the administrative operation of the SWAT Containment Team.

##### **408.7.1 SELECTION OF PERSONNEL**

Interested non-probationary certified personnel shall submit a letter of interest to their supervisor, a copy of which will be forwarded to the Division Commander and SWAT Containment Team Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the Team Commander. The testing process will consist of a minimum of an oral board, physical agility, basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the Team Commander. Applicants will be evaluated by the following criteria:
  1. Recognized competence and ability and exceptional character as evidenced by performance.
  2. Demonstrated good judgment and understanding of critical role of SWAT member.
  3. Special skills, training, or appropriate education as it pertains to this assignment; and
  4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

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- (b) **Physical agility:** The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the Team Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) **Basic handgun:** Candidates will be invited to shoot the Basic Drill for the handgun. A minimum qualifying score of 95 out of a possible score of 100 must be attained to qualify.
- (d) **Team evaluation:** Current team members will evaluate each candidate on his or her field tactical skills, teamwork, character, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to the Team Commander, for final selection.

#### **408.7.2 TEAM EVALUATION**

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Team Commander. The performance and efficiency level, as established by the team leader, will be met and maintained by all Containment Team members. Any member of the Containment Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **408.8 OPERATION GUIDELINES FOR SWAT CONTAINMENT TEAM**

The following procedures serve as guidelines for the operational deployment of the SWAT Containment Team.

##### **408.8.1 ON-SCENE DETERMINATION**

The supervisor in charge on the scene of a particular event will assess whether the SWAT Containment Team should respond to the scene. He/she will notify the SWAT Containment Team Commander.

##### **408.8.2 APPROPRIATE SITUATIONS FOR USE OF SWAT CONTAINMENT TEAM**

The following are examples of incidents which may result in the activation of the SWAT Containment Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Arrests of dangerous persons.
- (d) A full service SWAT team is responding to any situation and assistance is needed with containment.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

##### **408.8.3 OUTSIDE AGENCY REQUESTS**

Requests by field personnel for assistance from outside agency crisis units must be approved by the SWAT Containment Team Commander or designee. Deployment of the SWAT Containment Team to requests by other agencies must be authorized by a Division Commander.



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#### **408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS**

The SWAT Containment Team should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) SWAT Containment Team members from this office shall operate under the policies, procedures and command of the Lincoln County Sheriff's Office when working in a multi-agency situation.

#### **408.8.5 MOBILIZATION OF SWAT CONTAINMENT TEAM**

The On-Scene supervisor shall make a request to the SWAT Containment Team commander. If unavailable, a team leader shall be notified.

The On-Scene supervisor should advise the Team Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.
- (i) If a full service SWAT team is needed, the agency of jurisdiction is responsible for their request.

The Team Commander or Team Leader shall then ensure selected officers are notified to respond.

#### **408.8.6 FIELD UNIT RESPONSIBILITIES**

While waiting for the SWAT Containment Team and or full service SWAT team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the full service SWAT team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the SWAT Containment Team and SWAT Team Commander on situation.

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- (g) Plan for, and stage, anticipated resources.

#### **408.8.7 ON-SCENE COMMAND RESPONSIBILITIES**

Upon arrival of the SWAT Containment Team at the scene, the Incident Commander shall brief the Team Commander and Team Leaders about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Containment Team Commander, how to deploy the Containment Team until a full service SWAT team arrives. Once the Incident Commander authorizes deployment, the Containment Team Commander will be responsible for the tactical portion of the operation until a full service SWAT team arrives. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT and Containment Team. The Incident Commander and the Containment Team Commander (or his or her designee) shall maintain communications at all times. Once a full service SWAT team arrives, the Containment team will work under it's direction. The full service SWAT team leadership will maintain communications with the Incident Commander.

#### **408.8.8 COMMUNICATION WITH SWAT CONTAINMENT TEAM PERSONNEL**

All of those persons who are not part of SWAT Containment Team or full service SWAT team should refrain from any non-emergency contact or interference with any member of the team during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT or Containment Team personnel directly.

## **Noise-Flash Distraction Device**

### **409.1 PURPOSE AND SCOPE**

The Lincoln County Sheriff's Office provides supervision for the Lincoln Interagency SWAT Containment Team. The Interagency Team employs a variety of specialized equipment and munitions, to include Noise-Flash Distraction Devices (NFDD). This policy provides direction on the use of those devices.

#### **409.1.1 POLICY**

It is the policy of this office to recognize the NFDD as an important tool for reducing the risk of serious injury or death to officers and citizens involved in certain high-risk operations. This office also recognizes the potential risk of injury if the NFDD is used improperly.

### **409.2 DEPLOYMENT**

- (a) Distraction devices shall only be carried and used by designated personnel of the tactical element who have been trained and certified as end-users with the devices.
- (b) Deployment will be on the authorization of the Tactical Team Leader, or when deemed necessary by the entry operative.

### **409.3 PROCEDURES**

Prior to actual deployment, consideration will be given to:

- (a) Alternative actions that do not increase the risk to officers and citizens.
- (b) Fire hazard due to structure and other flammables.
- (c) Presence of young children.
- (d) Presence of non-involved citizens.
- (e) Presence of elderly persons.
- (f) Perceived threat level.

The purpose of utilizing distraction devices is to obtain a three (3) to five (5) second reduction of threat by momentarily disorienting the suspect(s). Generally, distraction devices will not be delivered into an area that cannot be visually cleared at the time of delivery. The device currently employed by the Lincoln County Interagency SWAT is the Defense Technology Number 25 Distraction Device.

## **Civilian Observers, Patrol Ride-Alongs and Jail Tours**

### **411.1 PURPOSE AND SCOPE**

To establish policy and procedures for members of the community and other approved non-employees to observe Sheriff's Office operations.

#### **411.1.1 POLICY**

It is the policy of this Office to enhance community relations by providing an opportunity for citizens to experience the Patrol Division's function first-hand by participating in patrol ride-alongs, and the Jail Division's function by providing tours of the jail.

#### **411.1.2 DEFINITION**

**Patrol Ride-Along** - As used in this policy, "patrol ride-along" includes participating in observing the functions of a Marine, Forest, Detective or Civil Deputy.

### **411.2 RULES GOVERNING OBSERVERS**

- (a) Applicants for a patrol ride-along or jail tour must be 18 years of age.
  - 1. Exceptions may be granted for the minor of an employee or for a school sponsored program.
  - 2. If the applicant is under 18 years of age, they must have their parents' written approval.
  - 3. No one under 16 years of age will be allowed to participate in the ride-along program.
- (b) The observer must agree to the following:
  - 1. The observer will follow the directions of the deputy;
  - 2. The observer will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment;
  - 3. The observer will not be allowed to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen;
  - 4. The observer will under no circumstances be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person;
  - 5. To testify, if called or subpoenaed as a witness, about any event observed while participating in the ride-along program;
  - 6. The patrol ride-along or jail tour may be terminated at any time for any reason.
- (c) Civilian observers will not be allowed to ride-along or tour the jail more than once every six months, unless approved by the Division Commander.
- (d) Observers will not have access to view any confidential materials such as reports or CCH/DMV/LEDS/NCIC data.

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- (e) Observers will be dressed in suitable attire.
  - 1. Male observers shall wear a collared shirt, slacks or jeans in good condition and shoes.
  - 2. Female observers shall wear slacks or jeans in good condition, or a pants suit. No dresses or skirts are permitted. No pumps or high heels.
  - 3. Sandals, T-shirts, tank tops, or shorts are not permitted.
  - 4. Pants or shirts that allow the exposure of undergarments, bare midriff, back or cleavage are not permitted.
- (f) Off-duty members of the Sheriff's Office, or any other law enforcement agency, will not be permitted to tour or ride-along without the written approval of the Division Commander.
  - 1. In the event the ride-along is approved, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.
  - 2. Off-duty members will not wear their uniform and will conform to all rules of this policy.

#### **411.3 PATROL RIDE-ALONG PROCEDURE**

- (a) Persons permitted to participate in the patrol ride-along program will generally fall within one or more of the following categories:
  - 1. Employee of another law enforcement agency;
  - 2. Resident of Lincoln County;
  - 3. Career interest in law enforcement;
  - 4. Public Official regardless of residency;
  - 5. Media representative;
  - 6. Relative, friend, or associate of a Sheriff's Office employee.
- (b) A person interested in a patrol ride-along will complete an application/waiver form and submit the form to the Sheriff's Office.
- (c) A supervisor will review the patrol ride-along form and if the person meets the requirements, the form will be forwarded to the records division for a background check, who will forward the results back to the supervisor.
  - 1. The criminal history check will include a check of the local records database, CCH, and DMV records via LEDS/NCIC.
  - 2. Your request may be denied based on the information obtained from this background check if the supervisor determines that it would be detrimental to the interest of the office.
- (d) If the request is approved, the supervisor will assign a deputy to contact the applicant and make the appropriate arrangements for the patrol ride-along.
  - 1. If the applicant is a family member, friend, or associate of a deputy they may request to ride with that deputy.
- (e) If the request is denied, the supervisor will notify the applicant and advise him/her of the denial.

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- (f) The application/form will be forwarded to the Division Commander at the completion of the patrol ride-along.

#### **411.4 JAIL TOUR PROCEDURE**

- (a) A person interested in a jail tour will contact the Division Commander to request a tour.
- (b) If the Division Commander determines the person meets the criteria, they will schedule a tour.
  - 1. If the person requesting a tour is under 18 years of age they must have their parent or guardian sign a parental consent form.
- (c) The tour guide will inquire if the applicant has a relative, significant other, or friend currently in custody.
  - 1. If the applicant does have a relative, significant other, or friend in the jail, the tour may be canceled, rescheduled or modified to avoid exposure to the incarcerated individual.

## Hazardous Material Response

### **412.1 PURPOSE AND SCOPE**

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this Sheriff's Office.

#### **412.1.1 HAZARDOUS MATERIAL DEFINED**

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See [Oregon Revised Statutes 453.005\(7\)](#) for a complete list.

#### **412.2 HAZARDOUS MATERIAL RESPONSE**

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).
- (b) Notify Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance.

#### **412.3 REPORTING EXPOSURE(S)**

Sheriff's Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

#### **412.3.1 SUPERVISOR RESPONSIBILITY**

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

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To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Sheriff's Office will be obtained through the Fire Department.

The employee or employees supervisor if the employee is unable, will complete a Workers Compensation form if an injury is diagnosed [Oregon Revised Statutes 656.265](#). If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report indicating the circumstances of the event and the potential of an exposure.



## Hostage and Barricade Incidents

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

### 414.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 414.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 414.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has probable cause to believe that a hostage is being held may order a telephone company to cut, reroute or divert telephone lines to prevent a suspect from communicating with anyone other than deputies or other designated individuals ([ORS 165.549](tel:165.549)).

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#### **414.4 FIRST RESPONDER CONSIDERATIONS**

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

##### **414.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed.
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

##### **414.4.2 HOSTAGE SITUATION**

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic

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and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed.
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Sheriff's Office, such as command officers.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **414.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) aka SWAT response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
  - (b) Ensure the completion of necessary first responder responsibilities or assignments.
  - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
  - (d) Establish a command post location as resources and circumstances permit.
  - (e) Designate assistants who can help with intelligence information and documentation of the incident.
  - (f) If it is practicable to do so, arrange for video documentation of the operation.
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### *Hostage and Barricade Incidents*

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- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

#### **414.6 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

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## Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Patrol Sergeant including:
  - 1. The stated threat.
  - 2. Exact comments.
  - 3. Time of discovery.
  - 4. Exact location of the device.
  - 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

### 416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional

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### *Response to Bomb Calls*

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damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
  
- Identify and take appropriate actions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
  
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

#### **416.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire Department
- (b) Emergency Medical assistance
- (c) Explosive Disposal Unit
- (d) Additional deputies
- (e) Patrol Sergeant
- (f) Detectives
- (g) Forensic Science Services

#### **416.3.2 CROWD CONTROL**

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

#### **416.3.3 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

#### **416.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY**

This procedure shall be followed should a bomb threat call be received at the sheriff's facility.

##### **416.4.1 BOMB THREATS RECEIVED BY TELEPHONE**

The following questions should be asked if a bomb threat call is received at the Sheriff's Office:

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### *Response to Bomb Calls*

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- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the sheriff's facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

#### **416.4.2 RESPONSIBILITIES**

The employee handling the call shall ensure that the Patrol Sergeant is immediately advised and fully informed of the details. The Patrol Sergeant will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate.

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## Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

This procedure describes a deputy's duties when a person is to be committed to a mental health unit pursuant to [Oregon Revised Statutes 426.070 to 426.228](#). The commitment of a person to a treatment facility or other confinement is controlled by [Oregon Revised Statutes 426.070 through 426.225](#). [Oregon Revised Statutes 426.228](#) authorizes peace officers to take mentally ill persons into custody.

### 418.2 AUTHORITY

A deputy may take into custody a person the deputy has probable cause to believe is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness. A deputy shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the deputy to deliver to the treating physician ([ORS 426.228](#)).

The deputy shall transport the person to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under [ORS 426.233\(3\)](#). At the facility or upon transfer, the deputy shall ensure that a report is prepared and delivered to the treating physician or the person taking custody. The report shall state ([ORS 426.228](#)):

- (a) The reason for custody.
- (b) The date, time and place the person was taken into custody.
- (c) The name and phone number of the Community Mental Health Director.

If, upon delivery of the person to the facility, the attending physician finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The deputy or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

### 418.3 DEPUTY CONSIDERATIONS AND RESPONSIBILITIES

Any deputy responding to or handling a call involving a suspected or actual mentally disabled individual, a Police Officer Hold or other mental commitment, should consider utilizing the following as time and circumstances reasonably permit:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities, including the Law Enforcement Data System (LEDS) Medical Database.
- (b) Conflict resolution and de-escalation techniques.
- (c) Language that is appropriate for interacting with a mentally disabled person.
- (d) If circumstances permit, alternatives to deadly force.
- (e) Any available community resources that can assist in dealing with a mentally disabled individual.



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### *Mental Illness Commitments*

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#### **418.3.1 TRANSPORTATION**

When transporting any individual for a mental illness commitment, the handling deputy should have the communications center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Deputies may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel.

The deputy will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member.

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting deputy must obtain, if possible, medical clearance from an attending physician who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health ([ORS 426.228\(3\)](#)).

#### **418.3.2 RESTRAINTS**

If the patient is violent or potentially violent, the deputy will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

#### **418.3.3 MENTAL HEALTH DOCUMENTATION**

The deputy shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

#### **418.3.4 SECURING OF WEAPONS**

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

#### **418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME**

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Lincoln County Sheriff's Office before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital.

#### **418.5 SEIZING OF FIREARMS**

Whenever a person has been detained or apprehended for examination pursuant to [ORS 426.228](#) and is found to have in his/her possession or under his/her direct control, any firearm, the weapon should be taken into temporary custody for safekeeping by the handling deputy. Any weapons seized shall be booked into property pending disposition.

The firearm should be seized as evidence if appropriate. Deputies shall document the violation in a crime report.

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### *Mental Illness Commitments*

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This policy does not provide a deputy with the authority or permission to conduct a search for weapons beyond that allowed under the law.

#### **418.5.1 RETURN OF CONFISCATED FIREARMS**

Any firearm taken into custody for safekeeping under section 418.5 will be returned to the lawful owner upon request unless the owner is prohibited from possessing firearms by court order, parole or probation terms or pursuant to [ORS 166.250](#).

Prior to releasing any weapon, property personnel shall be required to ensure that the person is lawfully eligible to possess the weapon.

A seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon is evidence in a criminal matter or there is other independent lawful reason to retain custody of the weapon.

#### **418.6 TRAINING**

This agency will endeavor to include approved training on interaction with mentally disabled persons.

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## Citation Releases

### 420.1 PURPOSE AND SCOPE

Pursuant to [Oregon Revised Statutes 133.055](#), deputies may issue a criminal citation to a person if the officer has probable cause to believe that the person has committed a misdemeanor or has committed a felony that is subject to misdemeanor treatment under [Oregon Revised Statutes 161.705](#).

### 420.2 STATUTORY REQUIREMENTS

Deputies will cite offenders into the court before which they would appear if arrested. The citations must specify the time, date and court of appearance, and the court date shall not be later than 30 days after the citation was issued ([Oregon Revised Statutes 133.055 and 133.060](#)).

#### 420.2.1 DISCRETION TO ARREST

While this office recognizes the statutory power of peace officers to make arrests throughout the state deputies are encouraged to use sound discretion in the enforcement of the law. On-duty deputies who discover criminal activity outside the jurisdiction of the County should consider contacting the agency having primary jurisdiction, when circumstances permit, before attempting an apprehension.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputies shall clearly identify him/herself as a peace officer.

### 420.3 SHERIFF'S OFFICE PROCEDURE

The following procedure will be followed to comply with this law.

#### 420.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, deputies may issue citations to a person upon probable cause to believe that the person has committed a misdemeanor or has committed a felony subject to misdemeanor treatment under [ORS 161.705](#), unless there is a disqualifying reason making the person ineligible for citation ([ORS 133.055](#)).

#### 420.3.2 FINGERPRINTS AND PHOTOGRAPHS

In certain cases, it may appropriate to fingerprint and photograph persons prior to citing and releasing them. In such cases, the person shall be taken into custody and transported to the jail for that purpose, after which, they may be issued a citation and released.

#### 420.3.3 DISQUALIFYING CIRCUMSTANCES

In certain circumstances, cite and release may not be appropriate. Those situations include:

- (a) [Oregon Revised Statutes 133.055](#) specifically exempts persons arrested for assault or menacing at the scene of a domestic violence complaint. Those persons must be physically taken into custody and shall be transported and lodged at the jail.

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### *Citation Releases*

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- (b) The person has outstanding warrants for his or her arrest.
- (c) The person cannot satisfactorily identify themselves.
- (d) The investigation or prosecution of the offense or offenses for which the person was arrested, or the investigation or prosecution of any other offense or offenses, would be jeopardized by the immediate release of the person arrested.
- (e) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (f) The person has indicated they will not appear or there is other reason to believe that the person would not appear at the time and place specified in the citation. The basis for this determination shall be specifically stated such as:
  - 1. Previous history of failure to appear is on record.
  - 2. the person lacks ties to the area, such as a residence, job or family.
  - 3. The person initially provided a false name or identification or has previously used false names to avoid prosecution.
- (g) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. (Release may occur as soon as this condition no longer exists).
- (h) Unusual circumstances lead the officer to conclude that the suspect should be held for further investigation.

#### **420.3.4 INSTRUCTIONS TO CITED PERSON**

The citing deputy shall call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written obligation to appear.

#### **420.4 CITATION RELEASE ON WARRANTS**

If the offense is not excluded under [Oregon Revised Statutes 133.055](#), the court may authorize a deputy to issue and serve a criminal citation in lieu of arrest ([Oregon Revised Statutes 133.110](#)). Deputies should not issue citations under the following circumstances:

- (a) The crime cited in the warrant involves violence.
  - (b) The crime cited in the warrant involves a firearm.
  - (c) The crime cited in the warrant involves resisting arrest.
  - (d) The crime cited in the warrant involves giving false information to a deputy.
  - (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.
  - (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.
  - (g) The person has other ineligible charges pending against him/her.
  - (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
  - (i) The person indicated they will not appear if released on a citation.
  - (j) The person cannot provide satisfactory evidence of personal identification.
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### *Citation Releases*

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this section.

#### **420.5 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Lincoln County code or appropriate Waldport Municipal code.
- Misdemeanors and non-measure 11 felonies.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Juvenile Department for further action.

#### **420.6 REQUESTING CASE NUMBERS**

Most situations will require deputies to request a case number for the incident. Traffic violations may be issued without case numbers and the necessary information can be documented on the reverse side of the Uniform Traffic Citation. For traffic crimes, local ordinance violations, state misdemeanors and qualified felonies, and all citations subsequent to the service of an arrest warrant, case numbers will be drawn. If the incident involves a citation issued subsequent to the service of a local arrest warrant where a Lincoln County Sheriff's Office case number already exists, that case number shall be used.

## **Arrest or Detention of Foreign Nationals**

### **422.1 PURPOSE AND SCOPE**

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the US Department of State website.

#### **422.1.1 DEFINITIONS**

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### **422.2 ARREST OR DETENTION OF FOREIGN NATIONALS**

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

### **422.3 LEVELS OF IMMUNITY**

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

#### **422.3.1 DIPLOMATIC AGENTS**

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

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### *Arrest or Detention of Foreign Nationals*

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#### **422.3.2 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

#### **422.3.3 HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

#### **422.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

#### **422.4.1 VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates; but may have Oregon license plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the deputy has reason to question the legitimate possession of the license plate.

#### **422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **422.5.1 CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not

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considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a citation is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the citation for later reference. Do not include on the face of the citation
- (c) The violator shall be provided with the appropriate copy of the citation

#### **422.5.2 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the deputy or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:



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Office of Foreign Missions  
San Francisco, CA  
(415) 744-2910, Ext.. 22 or 23  
(415) 744-2913 FAX  
(0800-1700 PST)

Diplomatic Security Service  
915 Second Avenue, Room 3410  
Seattle, WA 98174  
(206) 220-7721  
(206) 220-7723 FAX

Office of Foreign Missions  
Diplomatic Motor Vehicle Office  
Washington D.C.  
(202) 895-3521 (Driver License Verification) or  
(202) 895-3532 (Registration Verification)  
(202) 895-3533 FAX  
(0815-1700 EST)

Department of State  
Diplomatic Security Service  
Command Center  
Washington D.C.  
(202) 647-7277  
(202) 647-1512  
(Available 24 hours)  
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

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### *Arrest or Detention of Foreign Nationals*

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#### **422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have D coded in the license class box of the Traffic Collision Report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

##### **422.6.1 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

##### **422.6.2 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours whether or not the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Patrol Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure that notification of Department of State and all necessary follow-up occur.

#### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

Deputies may only arrest foreign nationals not claiming diplomatic or consular immunity under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the United States.

Because undocumented presence is strictly a federal civil violation, it is only enforceable by federal officers therefore deputies of this department shall not arrest foreign nationals solely for undocumented presence. Deputies shall not stop or detain persons solely for determining immigration status.

##### **422.7.1 ARREST PROCEDURE**

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

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### *Arrest or Detention of Foreign Nationals*

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This procedure applies to detentions of more than two hours. Although an inquiry is not required if the individual is detained less than two hours for criminal investigation, deputies are encouraged to inquire in all circumstances.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the deputy shall contact the communications center as soon as practical and request the appropriate embassy/consulate be notified. Deputies shall provide the communications center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed by the US Department of State as requiring mandatory consular notification, deputies shall provide the communications center with the information above as soon as practical whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of mandatory notification countries and jurisdictions can be found on the US Department of State [Website](#).

#### **422.7.2 DOCUMENTATION**

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the communications center was notified of the foreign national's arrest/detention and his/her claimed nationality.

## **Rapid Response And Deployment Policy**

### **424.1 PURPOSE AND SCOPE**

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies as they make decisions in these rapidly unfolding and tense situations.

### **424.2 POLICY**

The policy of this Sheriff's Office in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this office in protecting themselves or others from death or serious injury.

### **424.3 PROCEDURE**

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action deputies should consider the following:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more deputies whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the deputies have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider withdrawing from the scene.

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- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

## **Reporting Police Activity Outside of Jurisdiction**

### **426.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of Lincoln County Sheriff's Office.

#### **426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY**

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor. If the request is of an emergency nature, the deputy shall notify the communications center before responding and thereafter notify a supervisor as soon as practical.

#### **426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY**

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of Lincoln County Sheriff's Office shall notify his or her supervisor at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the on duty supervisor as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.

## Immigration Violations

### 428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

### 428.2 POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. This department does not participate in routine immigration investigation and enforcement activities ([Oregon Revised Statutes 181.850](#)).

Should activities of ICE generate circumstances that result in officer safety or community safety matters, or when suspected criminal violations are discovered beyond immigration violations, this department may assist ICE only as necessary to protect lives and property, or to enforce criminal laws other than immigration violations.

### 428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

#### 428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest ([Oregon Revised Statutes 181.850](#)).

#### 428.3.2 SWEEPS

The Lincoln County Sheriff's Office does not conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

#### 428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE, this office will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation only as necessary to provide for the safety of persons and property if not adequately provided by ICE .

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Members of this office should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this office should be based upon the reasonable belief that an individual is involved in criminal activity.

#### **428.3.4 IDENTIFICATION**

Whenever any individual is reasonably suspected of an offense (infraction, violation, misdemeanor or felony), the investigating deputy should take reasonable steps to establish the person's identity by way of valid identification or other reliable sources.

If an individual would have otherwise been released on a citation for a crime, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

#### **428.3.5 ARREST**

Pursuant to [Oregon Revised Statutes 181.850](#), no law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment, or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws. However, a law enforcement agency may arrest any person who:

- (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 [United States Code](#) 1015, 1422 to 1429, or 1505; and,
- (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate

If a deputy intends to take enforcement action for any other crime and the individual is unable to reasonably establish his or her true identity, the deputy may take the person into custody on the suspected criminal violation ([Oregon Revised Statutes 807.570](#), [133.235](#), and [133.310](#)), if pertinent to the circumstances). A field supervisor shall approve all such arrests.

#### **428.3.6 BOOKING**

If the deputy is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

If a person is detained pursuant to the authority of [Oregon Revised Statutes 807.570](#), that person may be detained for such time as is reasonably necessary to investigate and verify the person's identity.

#### **428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT**

If a deputy believes that an individual taken into custody for a felony is also an undocumented alien, and the individual is not going to be booked into county jail after he/she is formally booked, the arresting deputy shall cause ICE to be notified for consideration of an immigration hold.

If a deputy believes that an individual taken into custody for an offense other than a felony is also an undocumented alien and there is no intention to transport the person to the county

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jail after he/she is formally booked, ICE may be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the deputy should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense
- (b) Community safety
- (c) Potential burden on ICE
- (d) Impact on the immigrant community

Generally, deputies will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

#### **428.4 CONSIDERATIONS**

The Lincoln County Sheriff's Office is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws.

Nothing in this policy is intended to restrict deputies from exchanging legitimate law enforcement information with any federal, state or local government entity (Title 8 U.S.C. §1373 and U.S.C. § 1644).

#### **428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, solicitation to commit any of the above-mentioned crimes, or any similar activity in violation of federal, state, or local criminal law (8 USC § 1101(a)(15)(U and T).

A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on U.S. DHS Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to a supervisor. The supervisor should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

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- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website at [www.uscis.gov/portal/site/uscis](http://www.uscis.gov/portal/site/uscis).
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

## **Emergency Utility Service**

### **430.1 PURPOSE AND SCOPE**

The County Public Works Department has personnel available to handle emergency calls 24 hours per day.

#### **430.1.1 ELECTRICAL LINES**

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### **430.1.2 RESERVOIRS, PUMPS, WELLS, ETC.**

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### **430.1.3 EMERGENCY NUMBERS**

A current list of emergency personnel who are to be called for utility emergencies is maintained by the communications center.

### **430.2 TRAFFIC SIGNAL MAINTENANCE**

The Oregon Department of Transportation provides maintenance for all traffic signals within Sheriff's Office jurisdiction.

#### **430.2.1 DEPUTY'S RESPONSIBILITY**

Upon observing a damaged or malfunctioning signal, the deputy will advise the communications center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Officers have the responsibility address any hazard caused by malfunction of any inoperative or malfunctioning signal.

## Patrol Rifles

### **432.1 PURPOSE AND SCOPE**

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Lincoln County Sheriff's Office will make patrol rifles available to qualified patrol and corrections deputies as an additional and more immediate tactical resource.

### **432.2 PATROL RIFLE**

#### **432.2.1 DEFINITION**

A patrol rifle is an authorized weapon which is owned by the Sheriff's Office and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Sheriff and the Sheriff's Office armorer.

### **432.3 SPECIFICATIONS**

The only authorized patrol rifle is one which is owned and issued by the Sheriff's Office. This rifle shall be the Colt AR-15, .223 caliber semi-automatic rifle.

#### **432.3.1 RIFLE AMMUNITION**

The only ammunition authorized for the patrol rifle is that which has been issued by the Sheriff's Office. This will consist of a quality factory load in a .223 caliber.

### **432.4 RIFLE MAINTENANCE**

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect and service each patrol rifle on a monthly basis.
- (b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as out of service and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

### **432.5 TRAINING**

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Sheriff's Office training. This training shall consist of an initial 8-hour patrol rifle user's course

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### *Patrol Rifles*

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and qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete semi-annual training and qualification conducted by a certified patrol rifle instructor.

Any deputy who fails to qualify or who fails to successfully complete two or more Sheriff's Office sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol deputies user's course and qualification.

#### **432.6 DEPLOYMENT OF THE PATROL RIFLE**

Deputies may deploy the patrol rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the deputy reasonably anticipates an armed encounter.
- (b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When a deputy reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

#### **432.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Sheriff's Office's Deadly Force Policy, Policy Manual § 300.

#### **432.8 PATROL READY**

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned deputy and meets the following conditions:

- (a) The chamber is empty
- (b) The rifle bolt is forward with the hammer down
- (c) The rifle safety is on
- (d) There is a fully loaded magazine in the rifle with no more than 27 rounds
- (e) The dust cover is closed
- (f) The rifle is stored in the locked patrol vehicle's rifle rack or trunk

#### **432.9 RIFLE STORAGE**

- (a) When not in use, patrol rifles will be stored in the Sheriff's Office armory in rifle racks.
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- (b) At the start of each assigned shift, any qualified, on-duty deputy may be issued a patrol rifle from the department armory.
- (c) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack.
- (d) At the end of the assigned deputy's shift, the patrol rifle will be returned and secured in the department armory.

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## Automated External Defibrillator

### 433.1 PURPOSE AND SCOPE

The protection and safety of the public are fundamental responsibilities of the Sheriff's Office. The emergence of Automated External Defibrillators (AED) allows members with additional training to provide lifesaving care not normally found in the law enforcement setting. The use of the AED clearly spells the difference between life and death in cases of cardiac arrest and this Department supports this concept. This policy provides direction for the use of the AED.

### 433.2 CERTIFICATION

- (a) Before a member may use an AED, he/she must complete the following requirements:
  1. Possess a current American Heart Association CPR and AED certification.
  2. Maintain a minimum first response level certification or CPR certification.
- (b) Members with access to an AED shall certify annually.
- (c) The AED will only be used in strict compliance with the criteria set forth by the manufacturer.
- (d) At no time will the responding members represent themselves as medically qualified to provide treatment beyond the scope of their certification.

### 433.3 PROCEDURE

- (a) AEDs may be assigned strategically throughout the Sheriff's Office at locations or with personnel that afford the highest probability for use and not readily accessible by EMS.
- (b) AEDs will be checked at the beginning of the member's shift to ensure proper operating condition, in accordance with the manufacturer's guidelines. If maintenance is required or the unit is not functioning properly, it will not be used until a licensed technician makes such corrections as are necessary. The member checking the unit will conduct no maintenance.
- (c) After an AED has been used, the following will occur:
  1. Inside the Correctional Facility:
    - (a) The Incident Report and AED events printed report, if so equipped, shall be provided to the Corrections Health Team for review and to be included in the inmate patient medical record.
    - (b) The Corrections Health Team will review the documents consistent with the National Commission on Correctional Health Care Standards for Health Services in Jails 2003.
  2. Outside the Correctional Facility:
    - (a) If used, the AED shall be given to the transporting medical unit so the information stored on the AED can be retrieved and utilized at any applicable medical facility.
  3. The following documents will be forwarded to the EMS Program Coordinator.

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- (a) Incident Report;
- (b) The event summary will be printed from the AED memory, if so equipped;
- (c) The patient care report(s).
  - 1. Reports from the EMS agency should be included.



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## Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification and documentation.

### 434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

#### 434.2.1 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure that the medical examiner's office is notified if a death occurs.
- (g) If there appears to be a large number of fatalities, consider contacting the County Health Department for mass casualty assistance.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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#### **434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD**

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

#### **434.2.3 COMMUNICATIONS CENTER RESPONSIBILITIES**

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department
- (b) Federal Aviation Administration
- (c) Closest military base if a military aircraft is involved
- (d) Ambulances or other assistance as required

When an aircraft accident is reported to the Sheriff's Office by airport tower or air traffic control personnel the dispatcher receiving such information should verify that the air traffic personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

#### **434.2.4 RECORDS RESPONSIBILITIES**

The Records Section is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the Oregon Department of Aviation
- (b) Forward a copy of the report to the Patrol Operations Division Commander and the manager of the affected airport

#### **434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES**

The Sheriff's Office Public Information Officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his or her designee

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- (b) When practical, the Sheriff's Office Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Sheriff's Office Public Information Officer or in accordance with existing policy.

#### **434.3 DOCUMENTATION**

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented in a police report.

## Alarms

### 435.1 PURPOSE AND SCOPE

This policy describes situations involving alarms on residences and businesses including responsibilities of personnel, making proper notification, documentation, and to provide procedures and guidelines for response to alarms.

#### 435.1.1 POLICY

It is the policy of this office to respond to manually-activated silent panic, duress, hold-up alarms, and verified alarms in a safe manner, giving consideration to the reasonable expectation of stopping a potential crime in progress. Response to non-verified alarms will be at the discretion of the deputy. Any discretionary alarm response will not be subject to civil penalties.

#### 435.1.2 DEFINITIONS

**Audible Alarm** - An alarm which emits an audible sound (either through a siren or other sound-producing device) that is activated by entry into a residence, business or property.

**Silent Alarm**- Alarm in which there is no audible sound to alert an intruder making entry into a residence or business that an alarm has been activated thus prompting a response.

**Duress Alarm or Panic Alarm**- A manually-activated silent or audible alarm which, by its design or purpose, is meant to signal individual distress either for medical or other reasons requiring police response.

**Hold Up Alarm**- A silent alarm which, by its design, is meant to indicate a robbery in progress or other criminal activity, and is usually purposefully set off by an individual.

**Emergency**- The commission or attempted commission of a robbery, burglary, assault, or other criminal action requiring immediate police response.

**R.P. or Responsible Person**- The person, occupant, firm, partnership, association, company, or organization of any kind, that is in control of any building, structure, or facility, or any portion thereof, wherein an alarm system is maintained. The primary person designated by the alarm system contract holder to confirm the need for a police response.

**Verified Alarm / Third Party Confirmation**-Means: a video, audio/video confirmation by the alarm company, responding private security officer, Responsible Person (R.P.), confirmation from a witness, or other confirmation independent of the alarm signal that a crime has occurred or an emergency exists.

**False Alarm**- The activation of an alarm system which results in the arrival of police at an alarm site where an emergency (see E) does not exist or no crime has been committed.

### 435.2 PROCEDURE

Patrol deputies will respond to manually-activated silent panic, duress, and hold-up alarms regardless of third-party verification.

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False activations are subject to a civil penalty under [Lincoln County Code \(LCC\) 7.765](#). Deputies will take a case number and route the report to the Records Division where the false activation will be processed.

If a deputy determines an alarm company or their employee provided false information to dispatch or a deputy (i.e. this is a duress alarm and it is actually an audible alarm), the deputy will take a case number and route the report to the Records Division where the false report will be processed for civil penalty under [LCC 7.765](#).

If a deputy determines the alarm was intentionally activated when it is known that no emergency exists, the deputy should take enforcement action under [ORS 162.375](#), "Initiating a False Report."

If a deputy determines an alarm subscriber or private security officer intentionally provided false information to dispatch or a deputy, causing the dispatcher or deputy to believe this is a verified response, the deputy will take a case number and route the report to the Records Division where the false activation will be processed for civil penalty under [LCC 7.765](#).

#### **435.2.1 VERIFIED ALARMS**

Deputies will respond tactically to alarms with third party-verification as priority calls using the appropriate call designation (i.e., burg in progress, open door, etc) and alarm as the secondary incident.

#### **435.2.2 NON-VERIFIED ALARMS**

Non verified alarms are dispatched as "information only" and the deputy will have the discretion to respond or not. The decision to respond is based on location of alarm, call load, and any other circumstance that would justify a response.

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## Field Training and Evaluation Program

### **436.1 PURPOSE AND SCOPE**

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Lincoln County Sheriff's Office.

It is the policy of this Sheriff's Office to assign all new sheriff's deputies to a structured Field Training and Evaluation Program complies with DPSST training requirements and that is designed to prepare the new deputy to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

### **436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING**

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

#### **436.2.1 SELECTION PROCESS**

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of experience in that discipline, two of which shall be with this Sheriff's Office
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal selection process
- (e) Evaluation by supervisors and current FTO's
- (f) Possess a DPSST Basic Certificate

#### **436.2.2 TRAINING**

A deputy selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete a Field Training Officer update course every three years while assigned to the position of FTO.

### **436.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR**

The FTEP supervisor will be selected from the rank of sergeant or above by the Division Commander or his/her designee and shall possess a DPSST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.

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### *Field Training and Evaluation Program*

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- (f) Monitor overall FTEP Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

#### **436.4 TRAINEE DEFINED**

Any entry level, transfer or lateral sheriff's deputy newly appointed to the Lincoln County Sheriff's Office

#### **436.5 REQUIRED TRAINING**

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 15 weeks.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of four weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

#### **436.5.1 FIELD TRAINING MANUAL**

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Lincoln County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Sheriff.

#### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Observation Report (DORs) with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

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#### **436.6.2 FIELD TRAINING PROGRAM SUPERVISOR**

The Field Training Program Supervisor will review and approve the Daily Observation Reports submitted by the FTO.

#### **436.6.3 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

#### **436.7 DOCUMENTATION**

All documentation of the Field Training and Evaluation Program will be retained and will consist of the following:

- (a) Daily Observation Reports
- (b) End of phase evaluations
- (c) Supervisor's evaluation
- (d) The completed Field Training Manual



## Obtaining Air Support

### **438.1 PURPOSE AND SCOPE**

The use of a helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### **438.2 REQUEST FOR HELICOPTER ASSISTANCE**

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

If the event requiring helicopter assistance is a SAR mission, the event must be organized through the Oregon Emergency Management (OEM) and must be requested by the SAR coordinator.

#### **438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration and approval of the request for a helicopter, the supervisor, or his/her designee, will call the closest agency having helicopter support available. The supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

#### **438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

Helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

## Detentions And Photographing Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

### 440.2 DEFINITIONS

**Detention** - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing considered field photographs.

**Frisk or Pat-Down Search** - This is the normal type of search used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee or others ([Oregon Revised Statutes 131.625](#)).

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Stop** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed, or is about to commit a crime. ([Oregon Revised Statutes 131.615](#)).

### 440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

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- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

#### **440.3.1 INITIATING A FIELD INTERVIEW**

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Lincoln County Sheriff's Office to strengthen our community involvement, community awareness and problem identification.

#### **440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Sheriff's Office personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

#### **440.4 FRISK OR PAT-DOWN SEARCHES**

A frisk or pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the deputy or other persons present ([ORS 131.625](#)). Circumstances

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that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (c) The appearance and demeanor of the suspect.
- (d) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (e) Statements made by the suspect, witnesses or other persons.

#### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

##### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

##### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

#### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Patrol Sergeant with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Patrol Sergeant shall review it and forward the photograph to one of the following locations:

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- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Patrol Sergeant will forward the photo and documents to the Gang Information Deputy.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

#### **440.7.1 PURGING THE FIELD PHOTO FILE**

The Chief Civil Deputy will be responsible for ensuring that photographs retained by the Records Section that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Lincoln County Sheriff's Office and the booking file remains in the Records Section.

#### **440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Sheriff who will ensure that the status of the photograph or FI is properly reviewed according to this policy. Upon a verbal request, the Sheriff's Office will send a request form to the requesting party along with a copy of this policy.

##### **440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Sheriff or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Sheriff, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Sheriff to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Sheriff or his/her to discuss the matter.

After carefully considering the information available, the Sheriff or his/her designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Lincoln County Sheriff's Office policy and,

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even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Sheriff or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Sheriff or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or d policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Sheriff or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Sheriff or his/her designee determines that any involved Lincoln County Sheriff's Office personnel violated existing law or department policy, the Sheriff or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

Within 30 days of the Sheriff's determination the person photographed/FI'd will be notified in writing whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

## **Portable Breath Testing Equipment**

### **441.1 PURPOSE AND SCOPE**

It is the purpose of this policy to provide procedures for deputies to comply with established practices and laws.

#### **441.1.1 POLICY**

It is the policy of this office to use Portable Alcohol Breath Testing Equipment in accordance with the law and established rules of evidence. Portable Breath Testing equipment cannot be used as evidence of a crime, but can be used in addition to other forms of physical tests and officer observations, to assist the deputy in making a determination that a person has consumed an alcoholic beverage.

#### **441.2 PROCEDURE**

Portable Alcohol Breath Testing Equipment is provided for deputies to administer breath tests in the field to determine if a person has consumed an alcoholic beverage, and an approximate Blood/Alcohol level. Because these devices are not certified by the State of Oregon, they are not considered evidence, and therefore the information derived from the use of these portable alcohol breath testers cannot be used in court.

The primary use of the Portable Alcohol Breath Testing Equipment is for investigating the use and/or possession of an alcoholic beverage by a minor. Deputies will not use the Portable Alcohol Breath Testing Equipment in DUII investigations, as this may cause confusion over a driver's legal responsibility to submit to a breath test.

Prior to using Portable Alcohol Breath Testing Equipment on an individual, the Deputy will first advise the person that they have no legal obligation to submit to the portable breath test. They will then request the person's consent prior to administering the test. Once a test is administered, the Deputy will record the fact that a Portable Alcohol Breath Test was given, and whether the test was positive or negative for a blood/alcohol level. The Deputy will not record the blood/alcohol level.

A Portable Alcohol Breath Test will never be administered when there is the likelihood that a search warrant will be sought for a person's blood sample in order to determine their blood/alcohol level.

## **Criminal Street Gangs**

### **442.1 PURPOSE AND SCOPE**

The Lincoln County Sheriff's Office must ensure that organized criminal activity does not victimize our citizens or diminish the quality of life in our communities.

This policy establishes procedures to be used to identify criminal street gangs and gang members or associates, and to properly document gang related contacts and investigate gang related incidents.

#### **442.1.1 POLICY**

It is the express policy of the Sheriff's Office to actively seek out, aggressively investigate, and prosecute criminal activities that involve street gangs.

### **442.2 DEFINITIONS**

#### **442.2.1 CRIMINAL GANG**

An ongoing organization, association, or group of three or more persons, whether formal or informal, who engage in criminal activity and who identify themselves with a color, number or other symbol.

In addition to the above definition, the members of the gang must meet one of the following sets of criteria:

- (a) The members conspire to commit, or have committed, crimes meeting at least one of the following:
  - 1. As part of a pattern of street crimes which advance the suspected criminal gang's interest.
  - 2. To attract attention to the suspected criminal gang or enhance its standing.
  - 3. To benefit the suspected criminal gang.
  - 4. To announce the existence of the suspected criminal gang, its members, or its territorial claim.
  - 5. In response to the race, religion, sexual orientation, national origin, or gang association of the victim.
  
- (b) The members of the suspected criminal gang meet at least three of the following criteria:
  - 1. Admit or assert to the police that they are affiliated with a criminal gang.
  - 2. Participate in a gang initiation ritual or ceremony.
  - 3. Have been identified as participating in a criminal gang by an out of state law enforcement agency.
  - 4. Have announced to the police that they are willing to commit assaults, crimes, or make other sacrifices for the suspected criminal gang.
  - 5. Have criminal gang tattoos.



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6. Wear clothing or jewelry unique to the suspected criminal gang or use a hand sign or language that, due to context, clearly indicates association as a criminal gang.

#### **442.2.2 GANG MEMBER OR ASSOCIATE**

A gang member or associate is an individual who qualifies in one of the following four categories:

- (a) A person can be designated as a gang member if there is reasonable suspicion that the subject has conspired to commit, or has committed, a crime in accordance with any one of the following:
  1. As a part of a pattern of street crimes facilitated by the efforts of other gang affiliates which advance their interest.
  2. To attract the attention of, or enhance his/her standing with, the criminal gang.
  3. To benefit the criminal gang.
  4. To announce the existence of the suspected criminal gang, its membership or its territorial claim.
  5. In response to the race, color, religion, sexual orientation, national origin or gang association of the victim.
- (b) Designation as a gang member requires two of the following criteria:
  1. Subject has admitted or asserted to the police that he/she is affiliated with a criminal gang.
  2. Subject has participated in a criminal gang initiation ritual or ceremony.
  3. Subject has been identified as a gang member by an out of state law enforcement agency.
  4. Subject has displayed knowledge of the gang's history, leadership, activities, or rituals in a context that clearly indicates affiliation with the criminal gang.
  5. Subject has announced to the police that he/she is willing to commit crimes or make other sacrifices for the criminal gang.
  6. Subject has a criminal gang tattoo.
  7. Subject repeatedly (twice or more) associates with known gang affiliates.
  8. Subject wears clothes or jewelry unique to a gang or uses a hand sign or language that due to content or context clearly indicates affiliation with a criminal gang.
- (c) Designation as a gang associate requires one of the following:
  1. Subject's name appears on a gang activity report or other gang-related police report.
  2. Subject is in a photograph with other people who collectively display criminal gang signs or apparel to exhibit solidarity.
- (d) A gang associate may be so designated if, based on the training and experience of the officer, there is documented reasonable suspicion to believe the suspect is involved in a criminal gang.

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- (e) Combined with any other element from the above categories, documented reasonable suspicion based on the training and experience of the officer can be used to designate a subject as a gang member.

#### **442.2.3 GANG INFORMATION OFFICER**

Person(s) responsible for gathering and compiling gang information for its submission to the Oregon Department of Justice (DOJ) criminal gang database using the Oregon Criminal Justice Intelligence Network (OCIN).

#### **442.3 REPORTING CRITERIA**

Deputies should complete a report, as indicated below, for any of the following:

- (a) Any contact with a previously documented gang member or associate based on an Oregon DOJ hit as a gang affiliate.
- (b) Any contact with a person who appears to meet the criteria above for documentation as a gang member or associate.
- (c) Any criminal activity associated with persons either previously documented, or meeting the criteria for documentation, as a criminal gang member.
- (d) Any incident of gang-related activities:
  - 1. Graffiti
  - 2. Fights
  - 3. Thefts, robberies, drug distribution, extortion
- (e) Contact with any vehicles believed to be related to gang activity or gang members or associates.

#### **442.3.1 SPECIFIC INFORMATION TO GATHER**

- (a) Information required to determine eligibility for documentation as indicated in the definitions section, above.
- (b) Photograph all graffiti and attempt a rough sketch of graffiti on the report.
- (c) Attempt to photograph new gang related persons contacted, including tattoos if possible.

#### **442.3.2 CONTACT OR INCIDENT REPORTING**

- (a) For reportable incidents and crimes use normal department procedures utilizing Incident, Custody or other appropriate forms.
- (b) Person contact (no crime/incident): FI card, Information Report or DOJ gang-related Submission Form.
- (c) Non criminal gang information: FI card, Information Report or DOJ gang-related Submission Form.

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- (d) Crime or Information Reports will be processed through normal procedures and copies of reports will be forwarded to the Gang Information Deputy. DOJ Gang Submission Forms may also be completed and forwarded to the Gang Information Deputy.

#### **442.4 DOCUMENTATION PROCEDURE**

Gang affiliates who fit the Oregon DOJ criteria will be documented in LEDS for officer safety purposes.

- (a) When deputies have contact with person(s) who fit DOJ criteria; the Gang Information Deputy will submit Gang Submission Forms to DOJ for the purpose of documentation in LEDS.
- (b) [Oregon Revised Statute 181.575](#) prohibits the retention of information except when that information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. Information that is not directly associated with the investigation of a crime will not be retained in the Gang Information Deputy's files. Investigative reports may be stored in the normal department records system if the information otherwise meets normal department reporting and records retention criteria.

#### **442.5 GANG INCIDENT INVESTIGATION**

The Sheriff's Office will assign investigations in the most effective manner; utilizing the Gang Information Deputy(s) where needed to quickly and efficiently investigate gang incidents. Deputies who are investigating criminal activity and who have need of information regarding gang activity from the DOJ OCIN files should request the assistance of the Gang Information Deputy in retrieving the required information.

##### **442.5.1 SHARING OF INFORMATION**

Deputies who develop or learn information about documented criminal gangs or gang associates related to potential criminal activity should share the information with other deputies.

## Mobile Data Computer Use

### 448.1 PURPOSE AND SCOPE

The Mobile Data Computer (MDC) accesses confidential records from the Oregon State Police and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

### 448.2 MDC USE

The MDC shall be used for official sheriff's communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Patrol Sergeant.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS Rules & Policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

#### 448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### 448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDC

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### *Mobile Data Computer Use*

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#### **448.2.3 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDC system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

#### **448.3 MDC CONSIDERATIONS**

##### **448.3.1 NON-FUNCTIONING MDC**

Whenever possible, deputies will not use units with malfunctioning MDC's. Whenever deputies must drive a unit in which the MDC is not working, they shall notify Lincoln County Communications. It shall be responsibility of Lincoln County Communications to record all information that will then be transmitted verbally over the sheriff's radio.

##### **448.3.2 BOMB CALLS**

When investigating reports of possible bombs, deputies will turn off their MDC's. Operating the MDC may cause some devices to detonate.

## Mobile Data Computers

### 449.1 PURPOSE AND SCOPE

Mobile Data Computers (MDC) are provided as a useful tool in the dissemination of vital information to deputies while in the performance of their assigned duties.

MDC's will be used to receive and relay calls for service, non-voice communication between field units, between dispatch and field units, and electronic messages related to law enforcement business.

#### 449.1.1 POLICY

It is the policy of this Office that county owned mobile Data Computers will be used for official law enforcement business only. All communications via the MDC will be professional and conducted in a business-like manner. The transmission of sexist, racist, vulgar, derogatory, or discriminatory messages is strictly prohibited. Nothing in this policy is intended to prohibit or limit the employee from making safety conscious decisions. If there is a compromise of safety in a particular situation related to the use of the MDC, employees are expected to use voice communications. The MDC is a job enhancement tool and is not intended to replace all voice communications.

#### 449.1.2 DEFINITIONS

**LINCS** - Lincoln Interagency Networked Computer System (LINCS) is the primary Records Management System for the Lincoln County Sheriff's Office, the Newport Police Department, and the Siletz Tribal Police Department and incorporates wireless access to the Computer Aided Dispatch system at the communications center.

**MDC Messaging** - Any message sent or received from one computer to another, such as car-to car, car to communications center, communications center to car, office computer to car or interface with LEADS.

**Priority 1 Calls** - Urgent, in progress, must be handled immediately, involving incidents that are life threatening.

**Priority 2 Calls** - In progress incidents where there is the potential for injury or involves a major property crime.

**Priority 3 Calls** - Incidents that do not involve an immediate danger to person or property.

**Priority 4 Calls** - All other reported incidents that are routine in nature.

### 449.2 RULES GOVERNING MDC OPERATION

The MDC is intended to enhance the effectiveness of field units and to minimize voice communications therefore allowing unfettered communication of priority traffic. Whenever reasonable and possible the MDC should be used by deputies in routine situations. Deputies are responsible for monitoring the pending events so that low priority calls are handled in a timely manner.

- (a) MDC as Public Record

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### Mobile Data Computers

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- (b) MDC messages, LINCS (Lincoln Interagency Networked Computer System) messages, CAD (Computer Aided Dispatch) messages and CAD calls may be public record.
  - 1. MDC messages are logged by the LINCS system, including sender and receive information, and are archived as public record and available to the public.
  - 2. Any request for information that could be considered a public record should be referred to the Records Division or communications center.
    - (a) This does not preclude a field user from using information provided by the MDC to satisfy legitimate law enforcement purposes.
- (c) All MDC users shall complete required training on the MDC system prior to receiving a password to use the system.
- (d) No other software will be installed onto the MDC terminal without authorization from a supervisor and the system administrator.

### **449.3 PROCEDURES**

#### **449.3.1 MDC LOG-ON, OPERATION, LEDS/NCIC QUERIES**

- (a) Deputies should bear in mind that their first priority is operating their patrol vehicle in a safe and prudent manner. Deputies should avoid multiple keystroke entries while the vehicle is moving. This does not preclude a passenger Deputy from entering information into the MDC while the vehicle is in motion.
  - 1. At the beginning of each duty shift and prior to briefing, the supervisor or senior deputy, in the absence of a supervisor, will call the communications center and advise the names of on duty Deputies and their assigned patrol districts.
  - 2. After briefing, the each Deputy will log into the MDC using their assigned name and password.
  - 3. At the conclusion of the assigned shift, the Deputy will make sure that he/she is logged out of the system.
  - 4. Upon logging onto the MDC, and during his/her shift, a Deputy should view the MDC for assigned calls pertinent to themselves or activities of other field units that might be relevant to field activities.
- (b) Traffic Stops
  - 1. Traffic stops will be conducted via voice communication. Activities such as field interviews (FI), ordinance violations, potential enforcement actions or other activity where an event or case number will be generated shall be done by voice communications.
    - (a) Exceptions include unit status changes (i.e. enroute to calls, clearing from calls, clearing from self initiated activities). These may be conducted via the MDC, consistent with officer safety and safe vehicle operation.
- (c) Self-Initiated Activities
  - 1. If time and circumstances permit and the MDC can be safely used, self-initiated activities and field contacts may be conducted via the MDC.
    - (a) If the dispatcher or a field unit believes there are safety issues involved, voice radio communications are appropriate.

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### Mobile Data Computers

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- (b) Routine activities such as breaks, lunch, or non-emergent contacts should be conducted via the MDC.
- (c) Deputies may occasionally make general information requests to dispatch via the MDC. However, these requests are viewed as general information requests and unless otherwise flagged will be handled on a low priority basis.
- (d) Deputies are allowed to write their police reports, or make notes to CAD entries, via the MDC, consistent with officer safety. However, Deputies are encouraged to write lengthy reports at the satellite office in their district.

#### 2. LEDS/NCIC Queries

- (a) Data received and sent via the MDC is subject to all the security restrictions that apply to LEDS (Law Enforcement Data System).
  - 1. All personnel accessing LEDS via MDC shall obtain a minimum inquiry level certification from LEDS prior to generating any LEDS transactions.
- (b) When a Deputy receives a warrant hit, stolen articles or guns, the Deputy will verbally notify the communications center of the situation and if a cover unit is needed.
  - 1. The communications center will dispatch the appropriate cover unit. The deputy will also advise the communications center if confirmation is needed.
- (c) When a Deputy receives a stolen vehicle hit via the MDC the Deputy will provide the communications center with their location, the license plate, description of the vehicle, whether or not the vehicle is occupied, and if the vehicle is mobile or parked.
  - 1. The communication center will run the plate and confirm stolen status.
- (d) Any LEDS reporting requirements, which are the result of a field unit MDC inquiry involving corrections offenders, sex offenders or gang member hits, will be the responsibility of the communications center;
  - 1. Unless the Deputy responds to the LEDS requirement via the MDC according to LEDS regulations.
  - 2. The Deputy will provide the communications center with the necessary information for handling the notification.

#### 449.3.2 CAD, LINCS AND CAR-TO-CAR MESSAGING

- (a) MDC messaging, CAD messages, CAD calls and CAD access via LINCS shall have a reasonable communicative purpose and must be authored in a professional business-like manner, which would be considered acceptable as public record.
  - 1. Non-urgent communications to the communication center or car-to-car are permitted only after the needs of the citizens, members and co-workers are met and content is in keeping with the professionalism dictated by Sheriff's Office policies.
  - 2. Communications shall not be used to harass, annoy or alarm any recipient or third party.



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3. Communications shall not contain language, acronyms or symbols representing language that would be considered offensive or obscene to a reasonable person.
  4. Content of any communication shall not bring discredit to any public safety employee (including coworkers) or the public safety agency.
  5. Content shall not bring unwarranted discredit to a member of the public.
  6. Communications shall not contain any home address or telephone number of law enforcement personnel unless that employee has given express permission to transmit the information.
  7. Communications shall not contain any slanderous statements toward any group, organization or individual.
- (b) In the event that an MDC fails or the entire system fails, Deputies will revert to voice communications until such time as the system or unit is brought back on line.
- (c) All unit or system failures shall be reported to a supervisor at the earliest opportunity. The MDC will ordinarily be left secured in the vehicle to which it is assigned.
1. In instances where the MDC fails, the vehicle will be placed out of service and reported as with any other vehicle maintenance problem.

#### **449.3.3 DISPATCHING CALLS FOR SERVICE**

- (a) The following procedure for dispatching of police calls for service are guidelines and are not meant to replace good judgment.
1. When a call that would normally be dispatched by MDC only contains details, which would warrant additional voice dispatch, voice dispatch will be provided.
    - (a) All calls that may involve officer safety information will be dispatched by voice regardless of priority.
- (b) Supervisors are responsible for reviewing pending calls in CAD via their MDC. Should the supervisor have instructions for dispatch on how the call should be handled, they will notify dispatch by MDC or voice communication.
- (c) Deputies will follow department protocol for handling calls as a primary unit or cover unit. Deputies are expected to remain in assigned districts and handle calls within the district unless otherwise directed by a supervisor.
- (d) All Priority 1 and Priority 2 calls will be dispatched via the MDC with simultaneous voice broadcast.
1. When a Deputy notifies the communications center that he/she is en route by voice communication, the communications center will acknowledge the Deputy by voice communication and enter the information into CAD.
  2. When a Deputy notifies the communications center that he/she is en route by MDC, the communications center will acknowledge the Deputy by voice communication.
  3. When a Deputy notifies the communications center of his/her arrival on scene by voice communication, the communications center will acknowledge the Deputy by voice communication and enter the unit on scene into CAD.
  4. When a Deputy notifies the communications center of his/her arrival on scene via MDC, the communications center will acknowledge by voice communication.
  5. The Deputy will request a case number prior to clearing the call.

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- (e) Priority 3 calls will be dispatched via the MDC with a short broadcast over the air announcing the dispatch. For example;
  - 1. "Unit (radio number) dispatched by MDC to a cold assault".
    - (a) The Deputy should verbally acknowledge the announcement.
    - (b) When the Deputy places him/herself enroute, the call is considered acknowledged.
    - (c) The Deputy will be responsible for placing him/herself enroute and arrived, unless unable to do so.
    - (d) If a case number is required the Deputy will notify the communications center prior to clearing the call.
  
- (f) Priority 4 calls will be dispatched via MDC and confirmed by the communications center via voice communication.
  - 1. The Deputy will be responsible for placing themselves enroute and arrived, unless unable to do so.
  - 2. If a case number is required, the deputy will notify the communications center prior to clearing the call.

## **Use of Audio/Video Recorders**

### **450.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use of portable audio/video recording devices by members while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Video Recording Equipment ).

### **450.2 POLICY**

The Lincoln County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Sheriff's Office by accurately capturing contacts between members and the public.

### **450.3 PRIVACY**

All recordings made by personnel acting in their official capacity as members of this office shall remain the property of the Sheriff's Office and should not be considered private, regardless of whether those recordings were made with issued or personally owned recorders.

### **450.4 MEMBER RESPONSIBILITIES**

When using a recorder, the assigned member shall record his/her name, the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

### **450.5 ACTIVATION OF THE AUDIO RECORDER**

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

Oregon law requires members to notify all parties to the conversation that are a recording is being made ([ORS 165.543](#)).

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

#### **450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER**

Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in [ORS 165.540](#) and [ORS 165.543](#).

Members shall not surreptitiously record another member without a court order or unless lawfully authorized by the Sheriff or the authorized designee.

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### *Use of Audio/Video Recorders*

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#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate business purposes. All such recordings shall be retained at the Sheriff's Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. Any member who uses a personally owned recorder for Sheriff's Office related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

#### **450.7 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

##### **450.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

#### **450.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are Sheriff's Office records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate business purposes.

#### **450.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

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### *Use of Audio/Video Recorders*

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- (a) Upon approval by a supervisor, by any member of the Sheriff's Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.

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## Mobile Video Recording Equipment (In-car video)

### 451.1 PURPOSE AND SCOPE

It is the policy of this office that the use of Mobile Video Recorder (MVR) technology to more effectively fulfill the Sheriff's Office mission and to ensure these systems are used securely and efficiently. The MVR is designed to assist and compliment deputies in the performance of their duties and will enhance deputy safety.

The purpose of this policy is to provide our deputies with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems. Deputies assigned a vehicle with MVR shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.

#### 451.1.1 DEFINITIONS

**In-Car Camera System and Mobile Video Recording (MVR)** - These are synonymous terms and refer to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

**Supervisor** - A certified law enforcement Deputy or officer who is of the rank of sergeant or above, or is the designated Deputy or officer in charge.

#### 451.1.2 RULES

- (a) MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines, training, and policies.
- (b) All deputies shall successfully complete an approved course of instruction prior to being deployed with MVR systems.
- (c) Deputies shall not secretly audio record police personnel without their permission.
- (d) Deputies shall not make additional copies of recordings obtained with the MVR for their own personal record, for distribution, or for any other use except evidentiary purposes.
  1. A supervisor may approve a copy of a recording for training purposes if it is determined that there is no liability exposure to this office.
- (e) MVR recordings are property of the Lincoln County Sheriff's Office.
- (f) Deputies will not attempt to alter media from the MVR.
- (g) Deputies will not alter any of the administrator settings on the MVR.
- (h) All data will be stored for a minimum of six months.

### 451.2 PROCEDURE

#### 451.2.1 DEPUTY RESPONSIBILITY

- (a) Inspection and general maintenance of MVR equipment installed in vehicles shall be the responsibility of the deputy assigned to the vehicle.

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### *Mobile Video Recording Equipment (In-car video)*

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1. If the MVR equipment is malfunctioning, the deputy shall advise a supervisor.
- (b) Prior to beginning each shift, the assigned deputy shall ensure that the MVR is performing within the manufacturer's recommendations covering the following matters:
  1. Remote audio transmitter is functional.
  2. Camera lens is free of debris and facing intended direction.
  3. A storage device contains enough space for the shift.

#### **451.3 MANDATORY RECORDATION**

Once the MVR system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed.

- (a) The following are situations requiring MVR recording:
  1. Traffic Stops (to include, but not limited to traffic violations, motorist assistance and all crime interdiction stops)
  2. Responding to a call using lights and/or siren
  3. Vehicle pursuits
  4. Prisoner transports
  5. DUII investigations
  6. Any situation or incident that the deputy, through training and experience, believes should be audibly and/or visually recorded
  7. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping

#### **451.3.1 ACTIVATION OF THE MVR**

The MVR system remains on until turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded the video will also record. Whenever the audio portion is activated, deputies should, whenever possible, advise all persons present they are being recorded in accordance with [ORS 165.540\(5\)\(b\)](#).

#### **451.4 SAVING AN EVENT TO A DVD**

The following situations require an event to be saved on a DVD as soon as possible after the event:

- (a) When the event involves a crime.
  1. Excluding events where the sole purpose for the MVR activation was for the prisoner transport and the MVR captured no pertinent information.
- (b) When the deputy may require the video in court
- (c) For training purposes with the approval of a supervisor
- (d) Anytime the video is being submitted to evidence.

## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Oregon's medical marijuana laws (Oregon Medical Marijuana Act, [ORS 475.300](#) et seq.).

#### 452.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

**Caregiver (or designated primary caregiver)** - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on either that person's application for a RIC or in other written notification to the Oregon Health Authority. Caregiver does not include the person's attending physician ([ORS 475.302](#)).

**Grower** - A person responsible for a marijuana grow site, who has been selected to produce medical marijuana for a patient and has been registered by the Oregon Health Authority for this purpose ([OAR 333-008-0010](#)).

**Mature marijuana plant** - A marijuana plant that has flowers, is 12 or more inches tall or 12 inches or more in diameter ([OAR 333-008-0010](#)).

**Medical use of marijuana** - The production, possession, delivery or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition ([ORS 475.302](#)).

**Patient** - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by his/her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition ([ORS 475.319](#)). This includes a person who has been issued a valid RIC for his/her medical condition ([ORS 475.309](#)).

**Registry Identification Card (RIC)** - A document issued by the Oregon Health Authority that identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any ([ORS 475.302](#)).

**Statutory possession amounts** - Up to six mature marijuana plants and 24 ounces of usable marijuana. The amount is limited to one ounce if the person has a qualifying felony-controlled substance conviction in the past five years ([ORS 475.320](#)).

**Statutory grow site amounts** - Grow site amounts, per patient, are generally limited to both of the following ([ORS 475.320](#)):

- (a) Up to six mature plants and up to 24 ounces of usable marijuana.



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### *Medical Marijuana*

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- (b) Up to 18 marijuana seedlings or starts (a marijuana plant that has no flowers, is less than 12 inches in height and less than 12 inches in diameter) ([OAR 333-008-0010](#)).

**Usable marijuana** - The dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use. Usable marijuana does not include the seeds, stalks and roots of the plant ([ORS 475.302](#)).

#### **452.2 POLICY**

It is the policy of the Lincoln County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Oregon medical marijuana laws are intended to protect patients and their doctors from criminal and civil penalties that may deter the use of small amounts of marijuana by those suffering from debilitating medical conditions ([ORS 475.300](#)). However, Oregon's medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Lincoln County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the Sheriff's Office.

#### **452.3 INVESTIGATION**

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations related to patient cardholders.
- (c) Investigations related to patient non-cardholders.

##### **452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation. A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

##### **452.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS**

Deputies shall not arrest a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts ([ORS 475.306](#)). Deputies shall not arrest a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts ([ORS 475.306](#)).

Cardholders are required to possess a RIC when using or transporting marijuana at a location other than the cardholder's residence. However, deputies should treat a person without a RIC in his/her possession as if it were in his/her possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

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### Medical Marijuana

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#### **452.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS**

Deputies should not arrest a patient who does not have a RIC for possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the patient ([ORS 475.319](#)):

- (a) Is engaged in the medical use of marijuana.
- (b) Possesses an amount at or below statutory possession amounts or the amount cultivated is at or below statutory grow site amounts.

Deputies should not arrest a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC, possesses at or below statutory possession amounts or below statutory grow site amounts, and the person's medical use claim appears genuine under the circumstances ([ORS 475.319](#)).

#### **452.3.4 ADDITIONAL CONSIDERATIONS**

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

- (a) Grow sites are regulated in the following manners ([ORS 475.304](#)):
  - 1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.
  - 2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.
- (b) Deputies confiscating excess amounts of marijuana may not confiscate from a RIC holder usable marijuana or plants at or less than the statutory possession amounts that are allowed under the law ([ORS 475.324](#)).
- (c) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at another time.
  - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
  - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
  - 4. Any other relevant factors, such as available department resources and time constraints.
- (d) Before proceeding with enforcement related to grow sites, deputies should consider conferring with appropriate legal counsel.
- (e) Possession of a RIC pursuant to [ORS 475.309](#) does not alone constitute probable cause to search the person or property of the cardholder or otherwise subject the person or property of the cardholder to inspection ([ORS 475.323](#)).
- (f) Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Persons or entities who operate under the industrial hemp laws of Oregon must have the required industrial hemp license or agricultural hemp seed production permit issued by the Oregon Department of Agriculture ([ORS 571.305](#)). Deputies may contact the Department of Agriculture's Commodity Inspection Division for information about industrial hemp sites and licensing compliance.

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### *Medical Marijuana*

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#### **452.3.5 EXCEPTIONS**

Medical marijuana users are generally not exempt from other criminal laws and deputies should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Deputies may take enforcement action if the person ([ORS 475.316](#)):

- (a) Drives under the influence of marijuana as provided in [ORS 813.010](#).
- (b) Engages in the medical use of marijuana in a place where the general public has access ([ORS 161.015](#)), in public view or in a correctional facility ([ORS 162.135\(2\)](#)), or in a youth correction facility ([ORS 162.135\(6\)](#)).
- (c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.
- (d) Delivers marijuana for consideration to any individual, even if the individual is in possession of a RIC.
- (e) Manufactures or produces marijuana at a place other than a marijuana grow site authorized under [ORS 475.304](#).

#### **452.4 FEDERAL LAW ENFORCEMENT**

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

#### **452.5 PROPERTY OFFICE SUPERVISOR RESPONSIBILITIES**

The Property Office Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed, harmed, neglected or injured. The Property Office Supervisor is not responsible for caring for live marijuana plants ([ORS 475.323](#)).

Marijuana should not be returned to any person unless authorized by a supervisor and upon advice of County counsel. Any court order to return marijuana should be referred to County counsel.

The Property Office Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of a supervisor.

## **Bicycle Patrol**

### **460.1 PURPOSE AND SCOPE**

The Lincoln County Sheriff's Office has established Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### **460.2 POLICY**

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Sheriff's Office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through a supervisor.

### **460.3 TRAINING**

Deputies will receive Sheriff's Office-approved bicycle patrol training prior to operating a bicycle. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol deputies will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

### **460.4 DEPUTY RESPONSIBILITY**

Deputies must operate the bicycle in compliance with the Oregon Revised Statutes. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

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**Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Lincoln County Sheriff's Office. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic crash causing violations during high crash hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating a deputy's overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Deputies attempting to enforce traffic laws shall be in Lincoln County Sheriff's Office uniform or shall conspicuously display an official identification card showing the deputy's lawful authority ([ORS 810.400](#)). Several methods are effective in the reduction of collisions:

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

# Lincoln County Sheriff's Office

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### *Traffic Function and Responsibility*

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#### **500.3.2 CITATIONS**

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Deputies at the scene of a traffic accident and, based upon the deputy's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense ([Oregon Revised Statutes 810.410\(4\)](#)).

#### **500.3.3 PHYSICAL ARREST**

Deputies may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

- (a) Driving Under the Influence of Intoxicants
- (b) Fail to Perform Duties of Driver
- (c) Attempting to Elude
- (d) Reckless Driving with extenuating circumstances
- (e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation

#### **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to [Oregon Revised Statutes 810.410](#).

Deputies should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended ([Oregon Revised Statutes 809.500](#)).

#### **500.5 HIGH-VISIBILITY VESTS**

The Lincoln County Sheriff's Office has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

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### *Traffic Function and Responsibility*

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#### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, [officers/deputies] should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

#### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

A high-visibility vest shall be maintained in the trunk of each patrol, administrative, and investigation unit. Each vest should be stored in a way to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. A supervisor should be promptly notified whenever the supply of vests in the equipment room needs replenishing.



## High Risk Traffic Stops

### 501.1 PURPOSE AND SCOPE

The inherent risk in effecting a stop is increased when there is a known element of danger to the Deputy or the public because of the vehicle's occupant(s). In these situations, the Deputy(s) must exercise additional caution to minimize the potential negative outcomes of such a contact. The guidelines in the policy may assist in conducting such a stop.

### 501.2 RULES

- (a) Whenever there is advanced knowledge, or a good reason to suspect that the vehicle which is to be stopped is stolen or contains a fugitive, felon, or other dangerous person, the Deputy shall immediately inform dispatch, giving the Deputy's location, direction of travel, speed, description of the suspect vehicle, including vehicle license, and number of occupants.
- (b) Should the Deputy have to leave the vicinity of the patrol vehicle, it should be secured by locking the doors.
- (c) Handcuffs should be applied in all custody arrests, unless circumstances and good judgment dictate otherwise.
- (d) When effecting an arrest, suspects should not be searched until handcuffs are applied.
- (e) After a suspect has been placed into custody, the subject must be searched before they are transported.
- (f) If patrol vehicles are equipped with cages, the cage window will be locked any time a prisoner is placed in the rear seat.
- (g) Persons detained who are not under arrest should be "patted down" to ensure they are not in possession of a weapon, which could pose a threat to the deputy or another.

### 501.3 PROCEDURE

#### 501.3.1 STOPPING THE VEHICLE

When effecting a high-risk stop, the suspect vehicle should be followed until other officers can assist. The vehicle can then be stopped in a pre-determined area where there will be less chance for the suspect(s) to flee. Maximum protection is then provided to the Deputy(s) and the public in the event of gunfire, foot pursuit, or other potential hazards.

In most cases a single Deputy should not intentionally effect a high-risk stop, although circumstances may dictate that an approach to the suspect(s) be made by the Deputy not utilizing an assisting Deputy. The Deputy should also remain cognizant of the possibility that the suspect(s) may initiate the stop at any time.

A deputy will usually have an advantage if the patrol unit is parked 35 to 40 feet from the suspect vehicle, and the deputy immediately opens the door and assume a cover position. The deputy should acquire the weapon he/she feels necessary and be alert in preventing occupants of the halted vehicle from separating. Vehicle occupants should be ordered to exit the vehicle in a firm, commanding voice and a positive manner, leaving no room for doubt that the deputy is in absolute control and intends to see that his/her orders are implicitly and promptly obeyed.

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### *High Risk Traffic Stops*

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#### **501.3.2 REMOVING THE OCCUPANTS**

One suggested method of removing felons or dangerous persons from a vehicle is to order all occupants to place their hands on top of their head, interlacing their fingers with palms up, and remain in that position until instructed further. The deputy must not rush, and must be certain each command is followed exactly before another command is given.

- (a) Starting with the driver, the occupants should be removed from the vehicle one at a time, and from only one side. The driver should be instructed to take the ignition keys out and slowly step from the vehicle. His/her back should remain toward the deputy, and he/she should be ordered to back slowly toward the rear of the vehicle with hands remaining on the head, and to kneel down with ankles crossed, and to remain in that position.
- (b) All other passengers should be removed in the same manner. Sufficient interval between the suspects should be maintained to minimize any attempts at conversation, eye contact, and gestures, and they should be positioned in clear view of the deputy.
- (c) The deputy should confine his/her remarks to positive, firm orders. Prior to an approach to the suspects, an order commanding any additional occupant(s) to exit the vehicle may help to ensure there is not unseen or hidden persons in the vehicle.
- (d) After all occupants are out of the vehicles and positioned, the deputy can begin the approach to the suspects.

#### **501.4 DEPUTIES RESPONDING TO ASSIST**

Deputies responding to assist another deputy who is effecting a high-risk stop should upon arrival notify dispatch of the status at the scene. The assisting deputy will follow directions of the primary deputy. The assisting deputy will maintain surveillance of the suspect(s) from a cover position until all prisoners are secured. The assisting deputy will continue to give proper-armed surveillance on the halted vehicle until such time that the primary deputy/officer has secured the vehicle.

#### **501.5 SPECIALTY PATROL VEHICLES**

Deputies operating specialty patrol vehicles without cages, such as a SUV, should not transport unruly prisoners where injury may be inflicted to the deputy, or damage caused to the patrol vehicle interior. If the need dictates, a patrol car with a cage should be summoned.

## Traffic Collision Reporting

### **502.1 PURPOSE AND SCOPE**

The Lincoln County Sheriff's Office prepares traffic collision reports in compliance with [Oregon Revised Statutes 810.460](#) relating to reports of traffic accidents to the Oregon Department of Transportation and, as a public service makes traffic collision reports available to the community with some exceptions.

### **502.2 RESPONSIBILITY**

The Patrol Division will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon State Police Traffic Crash Report.

### **502.3 TRAFFIC CRASH REPORTING**

All Traffic Crash Reports taken by members of the Lincoln County Sheriff's Office shall be submitted to their supervisors for approval and forwarded to records.

### **502.4 REPORTING SITUATIONS**

#### **502.4.1 TRAFFIC CRASHES INVOLVING COUNTY VEHICLES**

Traffic crash investigation reports shall be taken when a County-owned vehicle is involved in a traffic crash upon a roadway or highway wherein any damage or injury results. A general information report may be taken, in lieu of a Traffic Crash Report, at the direction of a supervisor when the crash occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

#### **502.4.2 TRAFFIC CRASHES INVOLVING DEPARTMENT EMPLOYEES**

When an employee of this Sheriff's Office, either on-duty or off-duty, is involved in a traffic crash within the jurisdiction of Lincoln County resulting in a serious injury or fatality, the on duty supervisor may request assistance from the Oregon State Police.

The term serious injury is defined as any injury that results in hospitalization.

#### **502.4.3 TRAFFIC CRASHES INVOLVING OTHER COUNTY EMPLOYEES OR OFFICIALS**

The on-duty supervisor may request assistance from the Oregon State Police for the investigation of any traffic crash involving any Lincoln County official or employee where a serious injury or fatality has occurred.

#### **502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

Traffic collision reports shall not be taken for collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or a deputy issues a citation for a traffic violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

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### *Traffic Collision Reporting*

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#### **502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

DMV traffic collision reports shall be taken when they occur on a roadway or highway within this jurisdiction in the following cases:

- (a) There is a death, or injury to any person involved in the collision (these reports will require a narrative).
- (b) There is damage to any vehicle involved in the collision
- (c) A deputy issues a citation for a violation of the Vehicle Code.
- (d) All hit and run violations as defined by [ORS 811.700 and 811.705](#).
- (e) The collision is initially reported by a garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet ([Oregon Revised Statutes 822.600](#)).
- (f) The collision meets the criteria for operators to submit a State Accident Report to the Department of Motor Vehicles.

#### **502.4.6 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS**

A crash report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a crash scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic crash report under this policy unless the incident meets the criteria in [Policy Manual § 502.45](#).

#### **502.5 NOTIFICATION OF THE MULTI-AGENCY CRASH TEAM (MAC-T)**

If the crash results in the death, or likely death, of any person, the deputy will notify their immediate supervisor. The supervisor will make arrangements for any additional personnel needed at the crash scene. The supervisor will be in charge of the crash scene and coordinate the investigation. The supervisor will determine if the MAC-T should be called out to investigate the crash. The supervisor will make sure the District Attorney and Medical Examiner are notified.

## Vehicle Towing

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Lincoln County Sheriff's Office.

### 510.2 RESPONSIBILITIES

The responsibilities of those deputies impounding a vehicle are as follows.

#### 510.2.1 VEHICLES CONSTITUTING A HAZARD OR OBSTRUCTION

Deputies may take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended when it creates a hazard or obstruction. Hazards and obstructions may include vehicles that are ([ORS 819.120](#)):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.
- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway ORS 819.120 (2)(b).

Deputies should use sound judgment in balancing the need to correct a hazardous situation with the potential hardship to a vehicle owner/operator before towing such a vehicle.

Deputies impounding a vehicle shall complete a vehicle impound report. A copy is to be given to the tow truck operator and the original is to be submitted along with the incident report to the Records Section as soon as practicable after the vehicle is stored.

Records Division personnel shall promptly enter pertinent data from the completed vehicle impound report into the state's Law Enforcement Data Systems (LEDS).

Once a vehicle impound report is approved and forwarded to the Records Section, it shall be placed into the auto-file at the front desk to be immediately available for release or for information should inquiries be made.

#### 510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the no preference towing company list.

If the owner is incapacitated, or for any reason it is necessary for the Sheriff's Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call a no preference towing company. The deputy will then have the vehicle towed to the tow company's storage lot for safekeeping.

#### 510.2.3 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the Sheriff's Office should not be driven by sheriff's personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

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### *Vehicle Towing*

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#### **510.2.4 DISPATCHER'S RESPONSIBILITIES**

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

If the request is for no preference towing, the dispatcher shall call the firm whose name appears next on the No Preference Towing Service log and shall make appropriate entries on that form to ensure that the next firm is called on the next request.

#### **510.2.5 NOTICE TO OWNERS**

Once the vehicle is impounded, records personnel shall mail a copy of the impound report along with information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released ([ORS 819.180](#)). The notice shall include:

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

#### **510.3 TOWING SERVICES**

The County of Lincoln periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When a vehicle is being held as evidence in connection with an investigation
- (b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the Sheriff's Office to tow a vehicle.

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#### **510.3.1 NO PREFERENCE TOW SERVICES**

The Sheriff's Office will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized firms shall be called in rotation.

All deputies are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

#### **510.4 IMPOUND AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene).

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license ([ORS 809.720](#)), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.

The following are examples of situations where the arrestee's vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:

- The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.
- When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.
- Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall inform the arrestee and note in the report that the Department will not be responsible for theft or damages.

#### **510.4.1 IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS**

Deputies should impound vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under [ORS 133.535](#). State law requires the impounding deputy to take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence ([ORS 133.537](#)). Deputies should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence.

#### **510.5 VEHICLE INVENTORIES**

The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

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- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
  - 1. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers; and
  - 2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.
- (d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.
- (e) Any valuables, to include cash in excess of \$10 or property valued at more than \$200, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.
- (f) The inventory is not a search for evidence of a crime, however, deputies shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.
- (g) Tow truck operators are to receive a copy of the tow report.

These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

### **510.6 VEHICLE SEARCHES**

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and a deputy's familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.

Because circumstances under which a warrantless search of a vehicle might be permissible are very limited, and because vehicle searches are subject to many restrictions, deputies should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.



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#### **510.7 SECURITY OF VEHICLES AND PROPERTY**

After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the deputy should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

#### **510.8 RELEASE CRITERIA**

A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle upon compliance with the following:

- (a) Proof that a person with valid driving privileges will be operating the vehicle.
- (b) Proof of compliance with financial responsibility requirements for the vehicle.
- (c) Payment of the Lincoln County Sheriff's Office administrative fee and any towing and storage charges.
- (d) A security interest holder in the vehicle is not required to comply with (a) and (b) and may obtain release by paying the administrative fee, towing and storage fees.

## Vehicle Forfeiture Policy

### 511.1 PURPOSE AND SCOPE

This policy provides the procedure for seizing a vehicle under the Lincoln County DUII Vehicle Forfeiture ordinance, 2.300.

#### 511.1.1 VEHICLE FORFEITURE REQUIREMENTS

Deputies may tow vehicles pursuant to the Lincoln County DUII Vehicle Forfeiture ordinance under the following conditions:

- (a) When a deputy has probable cause to arrest a suspect for DUII; and
- (b) The suspect is the registered owner of the vehicle or the suspect is not the registered owner of the vehicle, but the registered owner had knowledge that the suspect was driving the vehicle while under the influence of intoxicants; and
- (c) The driver of the vehicle has at least one prior arrest or conviction for DUII within the previous ten years in any state.

### 511.2 PROCEDURE

If the suspect meets the criteria for a DUII seizure the deputy will request a non-preference tow for the vehicle to be towed to the Lincoln County Impound Yard.

The vehicle will be inventoried according to policy 510.5.

The deputy will promptly serve a Notice to Potential Claimant form upon the arrested driver (prior to release from jail) and all registered owners of the vehicle, and promptly forward a copy of the police report and seizure notice to Lincoln County County Counsel.

## Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

### 512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Lincoln County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent.

#### 512.2.1 HEARING PROCEDURES

When requested, a hearing to contest the validity of the impoundment and the reasonableness of the tow will be held as follows ([ORS 819.190](#)).

Requests for a hearing on an impounded vehicle shall be submitted in writing to the person designated by the Lincoln County Sheriff's Office to receive such requests, within five days of the postmarked date on the notice of impound. The request shall state the grounds upon which the person requesting the hearing believes that the custody and towing of the vehicle was not justified.

An impound hearings officer, designated by this office, will set a time for the hearing within 72 hours of the receipt of the request, excluding Saturdays, Sundays and holidays. The hearings officer will provide notice of the hearing to the person requesting the hearing, to the impounding deputy and to any owner, lessor or security interest holder shown in the Oregon Department of Transportation (ODOT) records.

An impound hearings officer, designated by this office, shall consider all information provided and shall determine the validity of the impound based on substantial evidence on the record, according to applicable law and policy. The hearings officer shall then render a decision. The deputy who caused the removal of the vehicle may submit an affidavit to the hearings officer in lieu of a personal appearance.

If the hearings officer decides that the impound was valid, he/she shall order the vehicle held in custody until the cost of the hearing and all reasonable towing and storage costs are paid by the party claiming the vehicle.

If the hearings officer decides that the impound was invalid, he/she shall order the immediate release of the vehicle to the owner or person with right of possession. Such person is not liable for towing or storage charges and shall be reimbursed for such charges if they have already been paid. New storage costs will not start to accrue until more than 24 hours after the time the vehicle is officially released ([ORS 819.190](#)).

If a decision is made that the impound was invalid and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander for reimbursement by this office to the appropriate party.

## Impaired Driving

### 514.1 PURPOSE AND SCOPE

This policy provides guidance to those members who play a role in the detection and investigation of driving under the influence of intoxicants (DUI).

### 514.2 POLICY

The Lincoln County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

### 514.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

### 514.4 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following ([ORS 813.100](#)):

- (a) The arresting deputy has reasonable grounds to believe that the person was DUI.
- (b) The person is arrested for DUI and takes a breath test that discloses a blood alcohol content of less than 0.08 percent.
- (c) The person is arrested for DUI and was involved in an accident resulting in injury or property damage.
- (d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting deputy has reasonable grounds to believe that the person was DUI.
- (e) The deputy has probable cause to believe that the person was DUI and that evidence of the offense will be found in the person's blood or urine and the person is unconscious or otherwise in a condition rendering the person incapable of expressly consenting to the test ([ORS 813.140](#)).

#### 514.4.1 BREATH SAMPLES

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to a supervisor.

#### 514.4.2 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples ([ORS 813.160](#)). The withdrawal of the blood sample should be witnessed by the assigned deputy. No deputy, even if properly certified, should conduct the blood withdrawal.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

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If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

#### **514.4.3 URINE SAMPLES**

If a urine test will be performed, the person should be promptly transported to an appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

The collection kit shall be marked with the person's name, offense, Lincoln County Sheriff's Office case number and the name of the witnessing deputy. The collection kit should be refrigerated pending transportation for testing.

#### **514.5 REFUSALS**

When a person refuses to provide a chemical sample, deputies should:

- (a) Advise the person of the requirement to provide a sample ([ORS 813.100](#); [ORS 813.131](#)).
- (b) Audio-record the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

#### **514.5.1 STATUTORY NOTIFICATIONS**

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person ([ORS 813.100](#)). The arresting deputy shall also read the person the Department of Transportation form which informs the person of the rights and consequences of a test to determine the alcohol content of the person's blood ([ORS 813.130](#)).

#### **514.5.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained.

#### **514.5.3 FORCED BLOOD SAMPLE**

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when legal and practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.

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- (e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## **514.6 ARREST AND INVESTIGATION**

### **514.6.1 REPORTING**

The Patrol Lieutenant shall ensure that the Sheriff's Office complies with all state reporting requirements pursuant to [ORS 181.550](#).

### **514.6.2 DEPUTY RESPONSIBILITIES**

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in the person's blood, the investigating deputy shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest ([ORS 813.100](#)):

- The completed Implied Consent Form.
- Any confiscated license or permit belonging to the person.
- A copy of the written report that complies with [ORS 813.120](#).

A deputy confiscating a person's license pursuant to state DUII laws shall provide the person with a temporary driving permit unless ([ORS 813.100; 813.110](#)):

- The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

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#### **514.6.3 ADDITIONAL TESTING**

A deputy requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is in issue or of the person's blood or urine if the presence of a controlled substance or inhalant in the person's body is in issue ([ORS 813.150](#)).

#### **514.6.4 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES**

A deputy may not request that a person submit to a urine test unless the deputy is certified by the Board on Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The deputy must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of a controlled substance, an inhalant, or any combination of an inhalant, a controlled substance and intoxicating liquor ([ORS 813.131](#)).

The person providing the urine sample shall be given privacy and may not be observed by the deputy when providing the sample ([ORS 813.131](#)).

#### **514.7 RECORDS SECTION RESPONSIBILITIES**

The Records Section will ensure that all case-related records are transmitted according to current records procedures and as required by the district attorney's office.

#### **514.8 ADMINISTRATIVE HEARINGS**

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any deputies who receive notice of required attendance to an administrative license suspension hearing should notify the district attorney's office.

Deputies called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the district attorney as part of the case file.

#### **514.9 TRAINING**

The Training Sergeant should ensure that deputies participating in the enforcement of DUII laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUII investigations. The Training Sergeant should confer with the district attorney's office and update training topics as needed.

## Traffic Citations

### **516.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### **516.2 RESPONSIBILITIES**

The Patrol Lieutenant shall be responsible for the development and design of all traffic citations in compliance with state law and the Judicial Council.

Sergeants shall be responsible for the supply and accounting of all traffic citations issued to employees of this office.

### **516.3 DISMISSAL OF TRAFFIC CITATIONS**

Employees of this Sheriff's Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to a supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

### **516.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to Records.

### **516.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. If approved, the letter of correction will be sent to the court having jurisdiction and to the recipient of the citation.

### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The file copies of all traffic citations issued by members of this Sheriff's Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

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Upon separation from employment with the this Sheriff's Office, all employees issued traffic citations books shall return any unused citations to their supervisor.

#### **516.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## **Citizen Citations**

### **517.1 PURPOSE AND SCOPE**

The purpose of this policy is to outline the procedure for citizens to cite traffic violators.

#### **517.1.1 POLICY**

It is the policy of this office to investigate complaints received by citizens involving traffic infractions adhering to [Oregon Revised Statute 153.510](#).

#### **517.2 PROCEDURE**

When a deputy receives a complaint from a private citizen wishing to sign a citation against another person involving a traffic violation, the deputy will contact the private citizen to obtain the date, time, location of the incident and a description of the driver and vehicle.

The deputy will attempt to contact the suspect and obtain their name, drivers license number and state, address, sex, race, date of birth, height, weight, hair and eye color. The deputy will obtain the suspect's vehicle license number and state, year, make, model, style, and color.

If the deputy receives enough information for a citation, the deputy will advise the complainant to contact the Sheriff's Office Records Division during business hours to certify the citation.

The deputy will complete an "Oregon Uniform Citation and Complaint" with the information obtained from the private citizen and suspect. The deputy will leave the date issued and court appearance date blank until the citation is certified. The deputy will take a case number for a card report. The deputy will complete the card report suspending the case until the citation is served.

The deputy will forward the citation to the Records Division advising them the complainant will be contacting them to certify the citation.

The Records Division will hold the citation until the complainant contacts them. When contacted by the complainant, the Records Division will take the citation and go with the complainant to the Court Administrators office. The complainant will swear before the clerk that the information on the citation is true. The citizen will sign the citation in front of the clerk. The Records Division will take the citation and put it back in the reporting deputy's box to be served.

The deputy will serve the citation to the suspect. The deputy will print out another copy of the original card report with the same case number. The deputy will submit the citation with the second copy of the card report, clearing the case.

## **Disabled Vehicles**

### **520.1 PURPOSE AND SCOPE**

Public safety, and the Lincoln County Sheriff's Office's commitment to service, requires that deputies place a high priority on assisting disabled motorists. This policy provides guidelines for achieving that objective.

### **520.2 DEPUTY RESPONSIBILITY**

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

### **520.3 EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Sheriff's Office personnel will be contingent on the time of day, the location, the availability of Sheriff's Office resources, and the vulnerability of the disabled motorist.

#### **520.3.1 MECHANICAL REPAIRS**

Sheriff's Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

## Abandon Vehicles

### 524.1 PURPOSE AND SCOPE

This policy establishes the procedure for an abandon vehicle on public or private property.

It will be the policy of this office to follow the abandoned vehicle procedure when a deputy has reason to believe that the vehicle has been abandoned on any public way or private property.

#### 524.1.1 DEFINITIONS

**Public Way** - Public roadway or public property within the jurisdiction of the Sheriff's Office. Examples of public property include but are not limited to school grounds, post office parking lots, county owned parks, public utility district property and USFS property.

**Vehicle Coordinator** - The person assigned by the Sheriff's Office to coordinate operations of vehicles designated as abandoned or hazardous.

**Private Property** - Any land or property that is not publicly owned such as business parking lots and real estate owned by citizens.

#### 524.1.2 RULE

Deputies will only follow this procedure for vehicles abandoned on public ways or private property other than State Highways or other lands designated to be within the jurisdiction of the Oregon State Police or municipal agencies not contracting with the Lincoln County Sheriff's Office. Such lands include ocean beaches, property or lands owned and maintained by the State of Oregon, and property within city limits. Vehicles abandoned that are not within the jurisdiction of the Agency will be referred to the appropriate agency.

### 524.2 VEHICLES ABANDON ON A PUBLIC WAY

- (a) When a Deputy has reason to believe a vehicle has been abandoned on a public roadway or public property for more than 24 hours, the deputy shall first run a wants check on the vehicle. If the vehicle is clear of wants, the deputy will post the vehicle as abandoned by placing the agency approved abandoned sticker in a conspicuous place on the vehicle.
- (b) The deputy will attempt to contact the registered owner of the vehicle to have it removed unless the vehicle is flagged as being sold. The deputy will inform the registered owner that he or she is responsible for the abandonment and removal of the vehicle as provided under ORS 819.100. The deputy will allow a reasonable amount of time, not to exceed two weeks, for the registered owner to remove the vehicle. The deputy will inform the registered owner that if the vehicle is not removed by the agreed date then the Sheriff's Office will have the vehicle towed, he or she will be issued a citation for abandoning the vehicle, and the Sheriff's Office shall seek restitution for the amount of the tow bill.
- (c) The Deputy will take a case number, add the vehicle and persons to the report, and an account of actions taken. The Deputy will not submit the report at this time.
- (d) In the event the Deputy was not able to contact the registered owner or the vehicle was flagged as sold, the Deputy will wait 24 hours to see if the vehicle is still at the location. In the event the Deputy contacted the registered owner and set a date for

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### *Abandon Vehicles*

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vehicle removal, the Deputy will check to see if the vehicle is still at the location after the agreed removal date. If the vehicle is gone, no further action is needed and the report is closed and submitted.

- (e) If the vehicle is still at the location the Deputy will contact the Sheriff's Office approved tow company to have the vehicle towed. The tow company will be provided with the case number and any requested DMV registration information. The tow company shall fulfill the legal obligations for registered owner/lien holder notification, vehicle appraisal, and other legal requirement for vehicle disposal listed in ORS 819.215. In some rare cases, depending on location of the vehicle to be towed, there will be a tow bill generated by the tow company. Any tow bills will be submitted to the Abandoned Vehicle Coordinator (AVC), who will approve payment of the bill and submit it to the Sheriff's Office administrative assistant or designee.
- (f) If the tow company appraises the vehicle at \$1,000.00 or less, but more than \$500.00, the Sheriff's Office shall sell the vehicle without notice and public auction to the tow company as defined in ORS 819.220 at no cost. The Sheriff's Office shall issue the tow company a certificate of sale in compliance with ORS 819.240 and notify the tow company to apply for a salvage title. The tow company shall be subject to provisions under ORS 819.010 and ORS 819.040. If the vehicle is appraised at over \$1,000.00 the tow company shall notify the Abandoned Vehicle Coordinator (AVC) so that arrangements can be made to have the vehicle and contents towed to the Lincoln County Impound Yard for sale at public auction as required by [ORS 819.210](#). The AVC shall notify Lincoln County Legal Counsel, which will arrange the public auction sale in accordance with ORS 87.192 and 87.196.
- (g) If the vehicle was towed and the registered owner is identified and lives in Lincoln County, Oregon the Deputy will make a reasonable effort to issue the registered owner a citation for Abandoning a Vehicle under [ORS 819.100](#). When the registered owner is cited the Deputy will return all but the officer's copy of the citation to the Abandoned Vehicle Coordinator (AVC.)
- (h) If the registered owner lives in Oregon, but outside Lincoln County, the Deputy will prepare a citation and deliver it to the AVC. The AVC will send the citation with a letter requesting the appropriate agency serve the citation.
- (i) After receiving a served citation the AVC will submit the court copies along with a letter to the judge requesting restitution for the tow in the event a tow bill was generated. A copy of the tow bill will accompany the letter.
- (j) If the registered owner or lien holder requests a hearing in response to the notification letter sent by the tow company, the shift supervisor will be notified who will notify the AVC and patrol commander no later than the next business day. The AVC will contact the respondent and arrange a hearing with the Agency Hearings Officer within 72 hours of the receipt of the request only if the respondent requests a hearing by submitting a request for the hearing not more than five days from the mailing date of the notice. The tow company shall hold the vehicle pending the outcome of the hearing. The Agency Hearings Officer shall conduct a hearing in accordance with ORS 819.190. The AVC will notify the tow company of the results of the hearing. The tow company will either turn the vehicle back over to the respondent or proceed with the disposal process of the vehicle depending on the outcome of the hearing.

### **524.3 VEHICLES ABANDON ON PRIVATE PROPERTY**

- (a) When a Deputy receives a complaint of a vehicle that has been abandoned on private property, the Deputy shall first run a wants check on the vehicle and obtain DMV

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registration information. The Deputy will request the communications center to attach the vehicle registration to the dispatch event screen.

- (b) If the vehicle is stolen, the Deputy will conduct an investigation for recovery of the stolen vehicle. If the vehicle is not stolen the deputy will inform the complainant that the owner or person in lawful possession of the real property may have an abandoned vehicle towed privately in reference to ORS 98.830. Deputies may not provide the complainant with a preference of tow companies to contact, but may inform the complainant which tow companies the Sheriff's Office utilizes for abandoned vehicle removal on public property. The Deputy will inform the complainant that a dispatch event screen was generated and will serve as the required notification to law enforcement under ORS 98.830. The Deputy shall inform the complainant of the event number.
- (c) Depending on the circumstances of the abandonment, the Deputy may choose to take further action on the complaint. If the Deputy chooses to further pursue the matter, the Deputy will confirm with the complainant that they would like to have the registered owner contacted and informed that the vehicle has been abandoned, that he or she is the registered owner and is responsible for the abandonment and removal of the vehicle as provided under [ORS 819.100](#). The complainant must agree to the disclosure of the location of the abandoned vehicle to the registered owner and understand that the registered owner may be making arrangements to have that vehicle removed from the location. If the complainant agrees to have action taken then the Deputy may issue the registered owner of the vehicle a citation for Abandoning a Vehicle under [ORS 819.100](#). The Deputy will not post any vehicles abandoned on private property for tow. If a citation is issued a report will be completed and submitted. The Abandoned Vehicle Coordinator (AVC) does not need to be notified.
- (d) If the complainant does not wish to have the information provided to the registered owner then the Deputy will complete those notations on the dispatch event screen and close the event.

#### **524.3.1 APPRAISAL**

Vehicles disposed of under [Policy Manual](#) § 524.3 must be appraised by an appraiser certified by the Department of Transportation ([Oregon Revised Statutes 819.215](#)).

#### **524.4 IMPOUND HEARING**

When a vehicle is stored under this section by any member of the Lincoln County Sheriff's Office, a hearing will be conducted upon the timely request of any person who reasonably appears to have an interest in the vehicle.

##### **524.4.1 HEARING PRIOR TO IMPOUNDMENT**

If an interested person requests a hearing prior to the impoundment of the vehicle, the vehicle will not be towed until the hearing is held, unless it constitutes a hazard.

## Vehicles Towed as Hazards

### 525.1 PURPOSE AND SCOPE

This policy provides for the removal of vehicles posing a hazard to the public and cannot be towed as illegally parked or abandon.

#### 525.1.1 POLICY

It is the policy of this office that patrol deputies need to be cognizant of vehicles posing a hazard to the public and will follow the procedure outlined in this policy when a Deputy has reason to believe that a vehicle has been abandoned on a public right of way and presents a hazard or obstruction to motor vehicle traffic. This procedure will also be utilized by deputies who wish to take enforcement action on vehicles that are parked illegally. A vehicle should only be towed as a hazard if it does not fit the criteria of an illegally parked vehicle or can not be handled as an abandoned vehicle.

#### 525.1.2 DEFINITIONS

**Public Right of Way** - Any public roadway or highway right of way within the jurisdiction of the Sheriff's Office.

**Vehicle Coordinator** - The person assigned by the Sheriff's Office to coordinate operations of vehicles designated as abandoned or hazardous.

#### 525.1.3 VEHICLES DEEMED A HAZARD

A vehicle shall be deemed a hazard as defined in [ORS 819.120](#) if it is disabled, abandoned, parked or left standing unattended on a road or highway right of way and is in such a location as to constitute a hazard or obstruction to motor vehicle traffic. Examples of a hazardous vehicle include, but are not limited to, any vehicle parked so that any part of the vehicle extends within the paved portion of the lane or highway shoulder or bicycle lane. Hazardous vehicle does NOT include a vehicle parked temporarily on the shoulder of a roadway as indicated by a short passage of time AND by the operation of the hazard lights, a raised hood, or advance warning signs or flares.

#### 525.1.4 ILLEGALLY PARKED VEHICLES

A vehicle is parked illegally if it is parked in a manner prohibited under [ORS 811.550](#). Examples of vehicles parked or left standing illegally include, but are not limited to, vehicles parked on a sidewalk, within an intersection, on a crosswalk or within 20 feet of a crosswalk at an intersection, upon a highway bridge, on a railroad, any place prohibited by traffic control devices, in front of a public or private driveway, within 10 feet of a fire hydrant, or on a bicycle lane or path. Exceptions from prohibited parking are listed in [ORS 811.560](#).

#### 525.1.5 VEHICLES CONSTITUTING AN IMMEDIATE HAZARD

When a Deputy, engaged in patrol activities, encounters a hazardous vehicle that constitutes an immediate hazard to vehicular traffic flow, the Deputy shall take action to restore safety regardless of jurisdictional boundaries. When a Deputy encounters a hazardous or illegally parked vehicle that does not constitute an immediate hazard to vehicular traffic flow, the Deputy may take enforcement action or may refer the complaint to the appropriate agency of jurisdiction.

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### Vehicles Towed as Hazards

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#### **525.2 PROCEDURE**

- (a) Any vehicle that is towed as a hazard pursuant to [819.120](#) or that is towed as an illegally parked vehicle as described in ORS 811.550 shall request a non preference tow to have the vehicle towed.
  - 1. If the vehicle is disabled and the operator or owner is present, the Deputy will assist them with following the procedures in policy number 3.235 Assisting Disabled Motorists. If the owner or operator of a vehicle constituting a hazard is present, but does not have the means or refuses to remove the vehicle from being a hazard, the Deputy will have the vehicle towed. If the vehicle can not be towed as an illegally parked vehicle then it will be towed as a hazard
- (b) No vehicle towed as a hazard or as an illegally parked vehicle will generate a tow bill. The Deputy may issue a uniform traffic citation for the violation under ORS 811.550. If the operator or owner of the vehicle is not present or is not known, the Deputy can serve the citation on the vehicle. On the UTC in the space marked "operate" the deputy will place the word "park". In the "as described" section the Deputy will note that the citation was served on the vehicle. In the certification of service section at the bottom of the UTC, the Deputy will delete "person" and write the word "vehicle."
  - 1. If the name and address of the operator is not known, the Deputy will use the "registered owner" information to complete the citation. The Deputy will then place the citation under the driver's side windshield wiper, or affix the citation in another conspicuous place on the vehicle.
- (c) If the vehicle is towed as an illegally parked vehicle then no further action by the Deputy is needed. If the vehicle is towed as a hazard the Deputy shall send the Sheriff's Office approved hazard form letter to the registered owners and any lien holders within 48 hours of the time the vehicle is towed via certified mail. A copy of the letter will be delivered or mailed to the tow company that towed the vehicle. A case number will be taken and another copy of the letter will be filed with the case file.
- (d) If the registered owner or lien holder requests a hearing in response to the notification letter sent by the Deputy, the shift supervisor will be notified who will notify the AVC and patrol commander no later than the next business day. The AVC will contact the respondent and arrange a hearing with the Agency hearings officer within 72 hours of the receipt of the request only if the respondent requests a hearing by submitting a request for the hearing not more than five days from the mailing date of the notice. The AVC shall contact the tow company and notify them of the hearing immediately.
- (e) The tow company shall appraise the vehicle within a reasonable time as required under [ORS 819.120](#) (7) in compliance with [ORS 819.230](#).
- (f) If the vehicle is not reclaimed within 15 days after it was towed the Sheriff's Office shall sell the vehicle without notice and public auction to the tow company as granted under ORS 819.220, which is certified as a wrecker as provided under ORS 822.110. The Sheriff's Office shall issue the tow company a certificate of sale in compliance with ORS 819.240 and notify the tow company to apply for a salvage title. The tow company shall be subject to provisions under [ORS 819.010 and ORS 819.040](#).
- (g) If the vehicle is appraised at over \$1000.00 the vehicle shall be towed to the Lincoln County Impound Yard where the vehicle will be held for a period of at least 30 days after it is taken into custody. Lincoln County Legal Counsel will be notified. The vehicle will be sold at public auction as provided in ORS 87.192 and ORS 87.196 or be disposed of as provide by local county ordinance.



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**Chapter 6 - Investigation Operations**

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

One or more detectives shall be available 24 hours a day for criminal investigations and the processing of crime scenes. The Oregon State Police crime lab is an additional resource for processing of serious and involved crime scenes.

### 600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the District Attorney, County Counsel, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or County Counsel's Office only as authorized by a Division Commander or the Sheriff.

### 600.3 POLYGRAPH EXAMINATION OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 to 163.575, may not be required, by a district attorney or other law enforcement officer or investigator involved in the investigation or prosecution of crimes, or any employee thereof, to submit to a polygraph examination as a prerequisite to filing an accusatory pleading (ORS 163.705).

### 600.4 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct ([Oregon Revised Statutes 181.575](#)).

### 600.5 CUSTODIAL INTERVIEWS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility and in connection with an investigation into aggravated murder, as defined in [ORS 163.095](#), or a crime listed in [ORS 137.700 or 137.707](#), electronic recording of the interview is mandatory absent good cause not to record ([ORS 133.400](#)).

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing deputy or detective should:

- (a) Document the refusal in his/her report.

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- (b) Request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

All electronic recordings of custodial interviews shall follow the requirements set forth in [ORS 165.540](#).

No recording of an interrogation should be destroyed or altered without authorization from the District Attorney and a Patrol supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Deputies should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

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## Asset Forfeiture Policy

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 606.2 ASSET SEIZURE AUTHORITY

[Oregon Revised Statutes 133.535](#) specifies that any peace officer having probable cause, may seize all evidence or other information concerning the commission of the criminal offense; contraband, the fruits of the crime, or things otherwise criminally possessed; property that has been used, or is possessed for the purpose of being used to commit or conceal the commission of an offense.

In addition to seizures authorized by [Oregon Revised Statutes 133.535](#), a deputy may seize property without a court order if the deputy has probable cause to believe that the property is subject to criminal forfeiture ([Oregon Revised Statutes 131.561\(2\)](#)).

A deputy may also seize property pursuant to an order of the court. Forfeiture Counsel or a seizing agency may apply to the court for an ex-parte order directing seizure of specific property ([Oregon Revised Statutes 131.561\(3\)](#)).

[Oregon Revised Statutes 131.558](#) identifies those items which are subject to criminal forfeiture, including currency, real and/or personal property which represents proceeds or was used to facilitate certain specific criminal activity.

#### 606.2.1 ITEMS SUBJECT TO CRIMINAL FORFEITURE

The following are subject to criminal forfeiture:

- (a) All controlled substances that have been manufactured, distributed, dispensed, possessed or acquired in the course of prohibited conduct
- (b) All raw materials, products and equipment of any kind that are used, or intended for use, in providing, manufacturing, compounding, processing, delivering, importing or exporting any service or substance in the course of prohibited conduct
- (c) All property that is used, or intended for use, as a container for property described in subsection (a) or (b) of this section
- (d) All conveyances, including aircraft, vehicles and vessels, that are used, or are intended for use, to transport or facilitate the transportation, sale, receipt, possession or concealment of property described in subsection (a) or (b) of this section, and all conveyances, including aircraft, vehicles and vessels, that are used or intended for use in prohibited conduct or to facilitate prohibited conduct, except that:
  1. No conveyance used by any person as a common carrier is subject to criminal forfeiture under the provisions of this section unless the owner or other person in charge of such conveyance was a consenting party or knew of and acquiesced in the prohibited conduct; and
  2. No conveyance is subject to criminal forfeiture under the provisions of this section by reason of any act or omission established by the owner thereof to

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have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state

- (e) All books, records, computers and research, including formulae, microfilm, tapes and data that are used or intended for use to facilitate prohibited conduct
- (f) All moneys, negotiable instruments, balances in deposit or other accounts, securities or other things of value furnished or intended to be furnished by any person in the course of prohibited conduct, all proceeds of or from prohibited conduct, and all moneys, negotiable instruments, balances in deposit and other accounts and securities used or intended to be used to facilitate any prohibited conduct
- (g) All real property, including any right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to commit or facilitate the commission of prohibited conduct
- (h) All weapons possessed, used or available for use to facilitate conduct giving rise to criminal forfeiture.
- (i) All property described in this section that is intended for use in committing or facilitating an attempt to commit a crime as described in [Oregon Revised Statutes 161.405](#), a solicitation as described in [Oregon Revised Statutes 161.435](#) or a conspiracy as described in [Oregon Revised Statutes 161.450](#)
- (j) All personal property that is caused or intended to be used to commit or facilitate prohibited conduct.

#### **606.2.2 MINIMUM GUIDELINES FOR SEIZURES**

The following guidelines identify the minimum amounts or values required to seize vehicles or real property:

- (a) Vehicles, i.e. cars, trucks, motorcycles, boats, or airplanes used as a conveyance, with equity based on a low blue book value of at least \$5,000.
- (b) \$50,000 in equity of real property (house/condominium).
- (c) Personal property valued at \$2000 or more.
- (d) Cash in excess of \$1000.

#### **606.2.3 PROHIBITED CONDUCT**

- (a) For the purposes of proceeds, prohibited conduct is any Felony or Class A Misdemeanor.
- (b) For the purposes of instrumentalities, prohibited conduct is any crime listed in [Oregon Revised Statutes 131.602](#).

#### **606.3 ASSET FORFEITURE PROCEDURE**

The following guidelines will be observed:

- (a) With the exception of real property, items that may be eligible for forfeiture under the provisions, will initially be seized as evidence pursuant to a criminal investigation of one of the crimes specified in the law.

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- (b) Asset forfeiture cases will normally be handled by the Asset Forfeiture detective and the District Attorney's Office. Other deputies initiating a case that may result in asset forfeiture will contact the Asset Forfeiture Detective for assistance. A copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective.
- (c) Whenever a seizing agency intends to forfeit any real property it will serve all persons having an interest in the property with a Notice of Seizure; and posting a notice of seizure on the property.
- (d) Intent to Forfeit Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicles, or property seized.
- (e) All involved persons will be interviewed concerning their possession of the seized assets, financial situation, employment, income, and other resources. The deputy will conduct a further criminal interview as necessary. The interviewing deputy shall ensure the *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
- (f) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (g) Promptly upon seizure, the deputy who seized the property shall make an inventory of the property seized and shall deliver a receipt embodying the inventory to the person from whose possession the property is taken or to the person in apparent control of the property at the time it is seized. If the property is unoccupied or there is no one there in apparent control, the deputy shall leave the receipt suitably affixed to the property. Every receipt shall contain, in addition to the inventory:
  - 1. The identity of the seizing agency.
  - 2. The address and telephone number of the office or place where the person may obtain further information regarding criminal forfeiture. A seizing agency shall provide that any property in the physical custody of the seizing agency be serviced or maintained as necessary to preserve the value of the property.
- (h) The seized property may be transferred for criminal forfeiture to any city, county, state or federal agency with criminal forfeiture authority, provided that no such transfer may have the effect of diminishing or reducing any of the rights of any third party.
- (i) The seizing agency may apply to the court for an order that the seized property may be sold, leased, rented, or operated in the manner and on the terms that may be specified in the court's order. Any sale should be conducted in a commercially reasonable manner and adequate notice and an opportunity to be heard should be provided to all persons known to have or claim to have an interest in the property and with the consent of all persons holding security interests in the property prior to any sale.

#### **606.3.1 SEIZED PROPERTY**

Property seized subject to forfeiture will be inventoried and booked into Evidence. The property will be checked through LEDS and the local the Automated Property System to determine if the property has been stolen.

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The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

#### **606.3.2 SEIZED CURRENCY**

Currency seized subject to forfeiture will be counted by the seizing deputy and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The deputy counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Except where currency has apparent or known intrinsic collector value, all cash seized for criminal forfeiture must be immediately deposited in an insured, interest-bearing forfeiture trust account maintained by the seizing agency exclusively for this purpose. Cash may be retained as evidence in a criminal proceeding but must be deposited immediately when the need to retain it as evidence is discharged.

Subject to any court order, any interest earned upon cash deposited into a forfeiture trust account must be disbursed as follows:

- (a) If the criminal forfeiture proceeding is abandoned, or denied by the court, any interest earned, together with the cash initially seized, shall be returned to the person from whom it was seized
- (b) If a judgment of criminal forfeiture is entered, but parties other than the seizing agency established rights to portions of the amount on deposit plus interest, the seizing agency shall disburse a pro-rate portion of the interest, together with the cash awarded, to the parties in the order of their priority
- (c) The seizing agency shall retain the balance remaining after payment by the seizing agency to parties designated by the judgment

#### **606.3.3 SEIZED VEHICLES**

Vehicles seized subject to forfeiture will be towed to a designated secure storage facility. The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as practicable.

Seized vehicles should be towed, not driven, to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property, as either evidence or for safekeeping.

Vehicles lawfully seized, that contain a hidden compartment as defined in [ORS 131A.005](#), should have the hidden compartment disabled or removed prior to release ([ORS 131A.030](#)).

#### **606.4 ASSET FORFEITURE LOG**

A computerized inventory of all asset forfeiture cases shall be kept in the Detective Section. The inventory shall include the following:

- Case number

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- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Sheriff or authorized staff, as requested.

#### **606.5 PROCEEDS FROM FORFEITURE**

All cash seized from criminal forfeiture, together with all cash received from the sale, leasing, renting or operation of the property, must be immediately deposited in an insured, interest-bearing forfeiture trust account or accounts maintained by the seizing agency exclusively for this purpose. Cash may be retained as evidence in a criminal proceeding but must be deposited immediately when the need to retain it as evidence is discharged.

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

Expenditures and/or distributions from asset forfeiture proceeds shall be documented for reporting to the Oregon Asset Forfeiture Oversight Committee.

#### **606.6 REPORTING**

The Asset Forfeiture Detective shall prepare and submit all required reports to the Sheriff for review and approval. Once approved, the reports will be forwarded to the Asset Forfeiture Oversight Committee.



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## Confidential Informants

### 608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Lincoln County Sheriff's Office and the deputies using informants, it shall be the policy of this office to take appropriate precautions by developing sound informant policies.

### 608.2 INFORMANT FILE SYSTEM

The Detective Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

#### 608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) An informant checklist ensuring that all the required documentation is present
- (b) Informant's confidential number, full name and any aliases
- (c) Date of birth, height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address and telephone numbers
- (e) Current employer(s), position, address(es) and telephone numbers
- (f) Vehicles owned and registration information
- (g) Places frequented
- (h) Informant's photograph, fingerprints, State ID (SID) number and FBI number
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
- (j) Name of deputy initiating use of the informant
- (k) Signed informant agreement, initialed by the Detective Supervisor indicating approval of individual for use as an informant
- (l) Initialed copy of [Oregon Revised Statutes 162.275](#) (Entrapment) indicating the informant has read and understood the statute
- (m) Signature of the informant's true name and any assumed name
- (n) Written authorization required as a result of the informant being a corrections client, juvenile or defendant
- (o) A log of all activity and the expenditure of all confidential funds associated with the informant
- (p) Update on active or inactive status of informant

The informant files shall be maintained in a secure area. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

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### *Confidential Informants*

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#### **608.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, a deputy must receive approval from a supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

##### **608.3.1 JUVENILE INFORMANTS**

The use of juvenile confidential informants is discouraged due to a number of risks. They will only be used when the investigation is of such a nature as to justify the risks. The district attorney should be consulted and a parent or legal guardian's written consent shall be secured. Final approval to use a juvenile confidential informant must be obtained from the Sheriff.

#### **608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the Sheriff's Office Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

##### **608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the Lincoln County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Lincoln County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned
- (d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Lincoln County Sheriff's Office, and that they shall not represent themselves as such
- (e) The relationship between deputies and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Detective Section supervisor
- (g) Deputies shall not meet with informants unless accompanied by at least one additional deputy or with prior approval of the Supervisor. All exchanges of confidential funds between deputies and informants must be witnessed by at least one other deputy
- (h) In all instances when Sheriff's Office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses. The voucher shall be signed by the informant using either their true name or a pseudonym registered with a signature in the informant packet. The voucher will also include the case number associated with the expenditure and a description of the benefit obtained (search warrant, arrest, recovered property, etc.)

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#### **608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

##### **608.5.1 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The supervisor will discuss the above factors with the Patrol Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Sheriff. For the purchase of drugs or property, the amount of payment will generally be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15%.

##### **608.5.2 CASH DISBURSEMENT POLICY**

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

##### **608.5.3 PAYMENT PROCESS**

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Sheriff and the County Finance Officer's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Sheriff's Office Buy/Expense Fund. The Sergeant will be required to sign the cash transfer form for amounts under \$200. The Lieutenant must sign transfer amounts over \$200.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Lincoln County Sheriff's Office case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

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If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### **608.5.4 REPORTING OF PAYMENTS**

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as other income and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

## **Eyewitness Identification**

### **610.1 PURPOSE AND SCOPE**

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques.

#### **610.1.1 DEFINITIONS**

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### **610.2 POLICY**

This office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### **610.3 INTERPRETIVE SERVICES**

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### **610.4 EYEWITNESS IDENTIFICATION**

Deputies are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

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### *Eyewitness Identification*

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Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

#### **610.4.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

#### **610.4.2 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the deputy should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.

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### *Eyewitness Identification*

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- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (e) A person should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

### **610.5 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## **Brady Material Disclosure**

### **612.1 PURPOSE AND SCOPE**

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information ) to a prosecuting attorney.

#### **612.1.1 DEFINITIONS**

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Lincoln County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

#### **612.2 POLICY**

The Lincoln County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Lincoln County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

#### **612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION**

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the case file.

#### **612.4 DISCLOSURE OF PERSONAL INFORMATION**

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:



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### *Brady Material Disclosure*

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- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or Sheriff's Office counsel should be requested to file a motion in order to initiate an in camera review by the court.
  - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

#### **612.5 INVESTIGATING BRADY ISSUES**

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

#### **612.6 TRAINING**

Sheriff's Office personnel should receive periodic training on the requirements of this policy.

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**Chapter 7 - Equipment**

## **Department Owned and Personal Property**

### **700.1 PURPOSE AND SCOPE**

Sheriff's Office employees are expected to properly care for Sheriff's Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### **700.2 CARE OF SHERIFF'S OFFICE PROPERTY**

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Sheriff's Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Sheriff's Office property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Sheriff's Office issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Sheriff's Office property should be discontinued as soon as practical and replaced with comparable Sheriff's Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Sheriff's Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Sheriff's Office property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Sheriff's Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### **700.3 FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage or loss of personal property must be submitted to the Sheriff within 15 days of the date the damage occurred. Claims will be processed and any reimbursement for damage will be made in accordance with the provisions of the employee Collective Bargaining Agreement.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

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- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## Personal Communication Devices

### **702.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Sheriff's Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

### **702.2 POLICY**

The Lincoln County Sheriff's Office allows employees to utilize issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Sheriff's Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### **702.3 PRIVACY POLICY**

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any provided or funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if County equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on issued or personally owned PCDs that have been used to conduct office-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report.

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#### **702.4 SHERIFF'S OFFICE-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the Office may, at its discretion, issue a PCD. Issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause

#### **702.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Office in the event the PCD is lost or stolen.
- (d) Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any business-related communication.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) Use of a personally owned PCD constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Office with all telephone access numbers of the device.

If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty related business activities in any manner shall promptly provide the Sheriff's Office with a copy of such records to ensure accurate record keeping.

#### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

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- (d) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official business. Disclosure of any such information to any third party through any means, without the express authorization of the or the authorized designee, may result in discipline.
- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

#### **702.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

#### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use ([ORS 811.507](#)). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### **702.9 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other communications network.

## Vehicle Maintenance

### **704.1 PURPOSE AND SCOPE**

Employees are responsible for assisting in maintaining Sheriff's Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### **704.2 DEFECTIVE VEHICLES**

When a Sheriff's Office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### **704.3 VEHICLE EQUIPMENT**

Certain items shall be maintained in all Sheriff's Office vehicles for emergency purposes and to perform routine duties.

#### **704.3.1 PATROL VEHICLES**

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 3 Hazardous waste disposal bags
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

#### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask



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- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective glo
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location. Vehicles should be fueled at the end of each shift.

#### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

#### **704.7 VEHICLE INSPECTION**

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

## Vehicle Use

### 706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, County-owned includes any vehicle owned, leased or rented by the County.

### 706.2 POLICY

The Sheriff's Office provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, tactical deployments and other considerations.

### 706.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device should ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

#### 706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a county-owned vehicle as part of their work assignment shall ensure that the vehicle is properly checked out, according to current procedures. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All vehicles used in patrol operations are equipped with a sheriff's radio and emergency equipment as defined by [ORS 816.250](#) and [OAR 735-110-0010 through OAR 735-110-0050](#). Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

#### 706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify a supervisor of the reason for use. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

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#### **706.3.3 UNMARKED VEHICLES**

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor.

#### **706.3.4 AUTHORIZED PASSENGERS**

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle unless approved by a supervisor.

#### **706.3.5 PARKING**

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

#### **706.3.6 INSPECTIONS**

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

#### **706.3.7 PRIVACY**

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### **706.4 ASSIGNED VEHICLE**

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for related business. The member must be approved for an assigned vehicle by his/her Division Commander and agree to the following:

- (a) Except as may be provided by a collective bargaining agreement time spent during normal commuting is not compensable.
- (b) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (c) The vehicle shall be parked in off-street parking when parked at the member's residence.
- (d) Vehicles shall be locked when not attended.
- (e) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle should be stored at the appropriate county facility.
- (f) All identification, portable radios and equipment should be secured.

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Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

#### **706.5 KEYS AND SECURITY**

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

At least two keys to marked patrol vehicles should be hanging in the key box when the vehicle is not in use. Deputies may have additional keys made for vehicles assigned to them.

#### **706.6 ENFORCEMENT ACTIONS**

When driving an assigned vehicle outside of the jurisdiction of the Lincoln County Sheriff's Office, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their issued identification.

#### **706.7 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors should make, at the minimum, quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

##### **706.7.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

#### **706.8 VEHICLE DAMAGE, ABUSE AND MISUSE**

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Reporting Policy).

When a collision involves a County-owned vehicle or when a member of this office is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious

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injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the County's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered to a supervisor.

An administrative investigation may be initiated to determine if there is any vehicle abuse or misuse.

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**Chapter 8 - Support Services**

## Communications

### 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

#### 802.1.1 FCC COMPLIANCE

Lincoln County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

#### 802.1.2 RECORDINGS

The communications center has a system-wide recording device. This system records all radio and telephone conversations coming into the dispatch center onto tapes. The tapes are stored and retained by the center supervisors for a minimum of six months.

### 802.2 COMMUNICATIONS GUIDELINES

#### 802.2.1 RADIO PROCEDURES

Sheriff's Office radios are for official use only, to be used by personnel to communicate with other members, the dispatch center and other local agencies.

All transmissions shall be professional and made in a calm, business-like manner. Slang terms and personal acronyms shall not be used.

#### 802.2.2 CONFIDENTIALITY

Information that becomes available through the communications center may be confidential or sensitive in nature. All communications personnel are to treat information that becomes known to them as confidential and release that information only to duly authorized personnel.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files, or medical information such as a data reference to "Use Universal Precautions" shall only be made to authorize criminal justice personnel and, when transmitting via the radio, an admonishment that confidential information is about to be transmitted.

#### 802.2.3 AUTHORIZED CODES

Dispatch and all user agencies will operate using a plain language radio system except for the following codes:

- (a) Code 0 - Deputy needs immediate assistance - highest priority call
- (b) Code 4 - Situation is under control
- (c) Code 5 - Stay clear of area

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- (d) Code 6 - "Cover Alarm". Used to check status of units when the emergency signal is activated
- (e) Code 7 - Meal/coffee break
- (f) Code 8 - Confidential/Officer safety information-wanted person or vehicle
- (g) Code 9 - Emergency in progress, keep air clear.

#### **802.2.4 RESTRICTED CHANNEL**

When requested by a deputy the communications center will clear the channel and restrict all other radio traffic to another channel when:

- (a) The dispatcher believes a situation is a threat to the physical safety of a field unit
- (b) The field unit is involved in a situation that demands a dedicated channel, i.e.; a pursuit
- (c) Any field unit requests a channel cleared

Deputies will respect the request for a clear channel and restrict radio traffic to emergency traffic related to the incident requiring the clear channel. Other necessary traffic will be moved to another channel or transmitted by phone.

#### **802.2.5 EQUIPMENT FAILURES**

Deputies will report equipment failures immediately and return to the station and obtain serviceable equipment.

#### **802.2.6 UNIT STATUS**

Deputies should keep Dispatch advised of their status. The following are status examples that should be reported to Dispatch.

- Out of Service (reason: traffic stop, contact, follow-up, breaks, end of watch, etc.)
- Available for service
- Enroute
- Arrived on scene
- Checking vicinity
- Available on radio
- Returning to station
- Cleared

#### **802.2.7 AVAILABLE UNITS**

Supervisors are responsible for providing the Communications Center with a current list of on-duty or on-call units, each unit's area of responsibility and any on-duty supervisors. This should be done prior to the beginning of the shift. It can be done by telephone, FAX, radio or in person.

#### **802.2.8 DEPUTY IDENTIFICATION**

Employees should use their entire call sign when initiating communication with the Dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.



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## Property and Evidence

### 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 804.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Sheriff's Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 804.3 PROPERTY HANDLING

Any employee who first comes in possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the [State of Oregon Physical Evidence Manual](#).

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

#### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings
- (b) The deputy shall mark each item of evidence with case number and item number using a tag, label, envelope, bag or other container not to deface or damage the item.

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Items that can be packaged in a container should be sealed with evidence tape that is dated and initialed.

- (c) A copy of the property form shall be submitted with the case report. Computerized printouts of the property form do not need to be turned in with evidence. If an item is placed in an off-site location (e.g. vehicle or safe in the Impound Yard), place a computerized printout of the property form or handwritten evidence sheet in the photo/document drop locker to notify the property technician of its location.
- (d) Evidence should only be placed in the temporary lockers if they have been entered in your report. Otherwise, a handwritten property form needs to be turned in with the evidence and inputted into the property section of your report as soon as possible noting the actual time the evidence was placed in the locker (not the time the report is written). When the property is too large to be placed in a locker, the item may be secured in the bulk locker. Lock the door and submit the key, along with the completed property record, into the drop slot indicating the location of the property.
- (e) When the property is still too large to be placed in a locker or bulk locker, the item may be retained in the temporary storage unit at the impound yard. Submit the completed property form in the drop slot. If the item is evidence, an alternate secure location must be used or the Property Technician called in to receive and store it in the property room.
- (f) When a Deputy seizes a vehicle as evidence of a crime, they shall cause the vehicle to be taken to the Lincoln County impound yard, where it will be placed into a secure garage, if available. If a secure garage is not available, the deputy will contact a supervisor. The supervisor will determine if the vehicle can be secured outside the garage, within the fenced-in area of the impound yard. If the vehicle is stored outside the garage, it will be secured with evidence tape. The deputy will complete a property receipt and give the operator of the vehicle a copy, if possible. The deputy will then write the case number on the windshield or window with the NeoMarker located in the drop box. The property receipt and vehicle keys, if available, will then be tagged with the case number and item number and placed into the drop slot at the impound yard.
- (g) When property or evidence is stored for another law enforcement agency, the deputy will complete a police report and property receipt. This property will be disposed of in accordance with the established disposal policy of this office.
- (h) If a deputy takes perishable evidence into custody, they shall photograph the property and return it to the owner. The CD or photographs will be placed into evidence.
- (i) If a deputy seizes property or evidence and circumstances prevent the deputy from processing the evidence immediately, the deputy will place the property or evidence in the temporary evidence locker until the deputy can process it. In any event, the deputy will not leave the property or evidence in the temporary evidence locker for more than 24 hours without authorization from a supervisor.
- (j) Alcoholic beverage containers will only be seized when there is a felony crime, or an injury or fatal motor vehicle crash, and the containers are needed as evidence. In all other cases, where an alcoholic beverage container is involved, the deputy will smell the contents, note the amount of liquid in the container, and the brand name. The empty container will then be given back to the suspect or disposed of. If a deputy seizes a keg, they will tag it with the case number and item number and place it in storage at the impound yard.

#### **804.3.2 EXPLOSIVES/HAZARDOUS SUBSTANCES**

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor. The bomb squad will be called to handle explosive-related incidents and will be

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responsible for the handling, storage, sampling and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in any sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### **804.3.3 EXCEPTIONAL HANDLING**

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Technician for disposal.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Technician, or placed in the bicycle storage area until a Property Technician can log the property
- (d) All cash shall be counted in the presence of a supervisor. The money form should be filled out, the money sealed in an envelope labeled with the case number and item number, and sealed with evidence tape that is dated and initialed by the booking deputy and the supervisor. Any cash over \$1000 may require special handling as determined by a supervisor. The denomination and number count of each denomination shall be listed on the money form and attached to the evidence envelope.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### **804.3.4 COLLECTION AND PRESERVATION OF DNA EVIDENCE**

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, deputies should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 181.594. The Property Technician will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

#### **804.3.5 COLLECTION AND PRESERVATION OF SAFE KITS**

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved.

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The Lincoln County Sheriff's Office will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so ([ORS 147.397](#)).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Patrol Division, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this office that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

- (a) Respond promptly to the medical facility to retrieve the evidence.
- (b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.
- (c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

SAFE Kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

Where the identity of the sexual assault victim is not disclosed, a SAFE Kit and related evidence should be retained for 25 years, unless directed otherwise by a Patrol Division supervisor. However, in all cases such evidence shall be retained for a minimum of 180 days ([ORS 147.397](#)).

#### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.
- (c) Property with more than one known owner
- (d) Paraphernalia as described in [Oregon Revised Statutes 475.525\(2\)](#)
- (e) Fireworks and other hazardous materials
- (f) Contraband

# Lincoln County Sheriff's Office

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### *Property and Evidence*

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#### **804.4.1 PACKAGING CONTAINER**

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room however when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

For items too large to fit in a box, a property tag shall be securely attached to the outside of all items, or group of items packaged together.

#### **804.4.2 PACKAGING CONTROLLED SUBSTANCES**

The deputy seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, labeled, sealed, initialed, dated and placed in an evidence locker (or temporary locker until this can be accomplished. Prior to packaging and if the quantity allows, a presumptive test may be made on all suspected controlled substances using the supplied testing kits. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope available in the Evidence Preparation Area (EPA) and labeled with the case number and item number. The booking deputy shall seal the envelope with evidence tape and initial and date the tape. initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property. Pills and capsules will be counted before being placed in evidence.

If the paraphernalia/suspected controlled substances are not needed as evidence, the deputy will label and seal the item as usual and mark the "destroy" box on the Evidence Form to alert the Property Technician to destroy the substance.

If the evidence/controlled substance are needed as evidence, the deputy will remove a small sample of the substance for testing and place it in a small plastic baggie, sealing it with evidence tape. This sample needs to be assigned its own item number for tracking purposes. The deputy will then place the remainder in a container and label, seal, and initial it as usual. The deputy will place the remaining substance, the sample, and the Form 49 transmittal form in the evidence locker. The Evidence Technician will then forward the sample to the crime laboratory.

#### **804.5 RECORDING OF PROPERTY**

The Property Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property form.

Any changes in the location of property held by the Lincoln County Sheriff's Office shall be noted in the property logbook.

#### **804.6 PROPERTY ROOM SECURITY**

Access to the Property Room is limited to Property Technicians unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a Property Technician.

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### *Property and Evidence*

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#### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on a Form 49 and submitted to the Property Technician. This request may be filled out any time after the booking of property or evidence.

#### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Technician releasing the evidence must complete the required information on the Property Form and the evidence, including the mode of transport. The OSP Form 49 will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the OSP Form 49 will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

#### **804.6.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Property Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property form, indicating date, time, and the person who returned the property.

#### **804.6.4 RELEASE OF PROPERTY**

Property may be released to a verified owner at the discretion of the Property Technician without further authorization. A Property Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property form, the form shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property form will remain with the Property Office. Upon release, the proper entry shall be documented in the Property Log.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

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#### **804.6.5 RELEASE OF EVIDENCE**

Evidence may only be released with the authorization of the DA's office and the deputy or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Property Technician will request a disposition authorization from the DA's office and the assigned deputy or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned deputy or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released.

Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

#### **804.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Lincoln County Sheriff's Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Lincoln County Sheriff's Office may wish to file an interpleader to resolve the disputed claim (Oregon Rules of Civil Procedure § 31).

#### **804.6.7 FOUND PROPERTY**

If a deputy receives found property, they will check the property for being stolen and make a reasonable attempt to locate the owner. If the property appears to be stolen property or if the property appears to be significant personal property (purses, billfolds, credit cards, identification, etc.) the deputy will take the property and place it into evidence.

Any other found property valued at less than \$100 may be claimed by the finder. If the finder refuses to keep the property, the deputy will take the property into custody and place it into evidence to be later disposed of in a lawful manner.

If the property is valued at \$100 or more, the finder may keep and claim the property as specified in Oregon Revised Statutes 98.005. The deputy will give the finder the back of the pink Property Form, which describes Oregon Revised Statutes 98.005, and advise them to read it carefully and refer them to the County Clerk. If the finder refuses to keep the property, the deputy will take the property into custody to be later disposed of in a lawful manner.

Found property in LCSO possession will be kept for a period of 60 days and if not claimed by the rightful owner, will be posted for 30 additional days per Oregon Revised Statutes 98.245. The Evidence Officer will maintain a record of all attempts to contact the rightful owner.

#### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner

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has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or deputy. Oregon Revised Statutes 98.245 and 98.336 govern the disposition of property held by law enforcement agencies.

If a Deputy seizes evidence and there is no suspect, the evidence will be retained for a period of 90 days in cases where the crime is a misdemeanor, or felony property crime with a loss of less than \$10,000.00. Evidence will be retained for a period of 3 years in cases where there is a felony that results in injury or death, or the loss of property is more than \$10,000.00. Latent prints, DNA and photographs are an exception to this. Evidence consisting of latent fingerprints, negatives/disks, and questioned documents may be maintained in the case file following adjudication of the case.

Prior to destruction the Property Technician will contact the Deputy to determine if the evidence is still needed. If there is any question, the Deputy will contact the District Attorney to determine if the evidence is still needed.

If a Deputy seizes evidence and there is an arrest the evidence will be held until the case is adjudicated. Once the case is adjudicated the property will be held for a period of six months, after which time the property will be photographed and released to its lawful owner by the Evidence Custodian.

If the case involves a death or serious physical injury to any person, the Evidence Custodian will first contact the District Attorney to see if it is necessary to retain the evidence longer than six months. If the property is of such a nature as to be useful to law enforcement, a preservation order may be initiated by the District Attorney's office.

If medication is seized as part of a death investigation, and the death has been determined to be of natural causes, the medication will be held for a period of 30 days. At the end of this period the Evidence Custodian will contact the County Medical Examiner to determine if it is necessary to keep it longer. If not, the medication will be destroyed in a lawful manner.

Whenever evidence is destroyed in accordance with a court order or Sheriff's Office procedure, there will be two people present to witness the destruction.

#### **804.7.1 DEFINITIONS**

As set out in Oregon Revised Statutes 98.245, the following definition applies to the disposition of property by law enforcement agencies:

**Unclaimed Property** - personal property that was seized by the Lincoln County Sheriff's Office as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Lincoln County Sheriff's Office for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

#### **804.7.2 DISPOSITION**

Unclaimed property will be disposed of in accordance with the provisions of Oregon Revised Statutes 98-245. Disposal may consist of:

- (a) Destruction



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- (b) Sale at public auction
- (c) Retention for public use
- (d) Donation to non-profit organization

#### **804.7.3 RETENTION OF BIOLOGICAL EVIDENCE**

The Property Technician shall ensure that no biological evidence held by the Sheriff's Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The lead deputy

Biological evidence shall be retained for a minimum period established by law ([Ch. 275, Oregon Laws 2011](#)), the Property Technician or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Sheriff's Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and District Attorney.

#### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Sheriff's Office shall be conducted by a Division Commander appointed by the Sheriff who is not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

## Records Section Procedures

### **806.1 PURPOSE AND SCOPE**

The Chief Civil Deputy shall maintain the Sheriff's Office Records Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### **806.1.1 NUMERICAL FILING SYSTEM**

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

#### **806.1.2 RECORDS RETENTION**

All Sheriff's Office records shall be retained and purged in a manner consistent with applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

### **806.2 FILE ACCESS AND SECURITY**

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in an area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when Records Section personnel are otherwise not available may be obtained through the Patrol Sergeant.

Lincoln County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### **806.2.1 REQUESTING ORIGINAL REPORTS**

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Chief Civil Deputy. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

### **806.3 REQUISITION OF SUPPLIES**

All personnel who are in need of supplies shall complete a "Supply Order" form available in the "Forms" folder on the "J" drive on their computers. The form shall be submitted to their supervisor for approval. If approved, the supervisor will submit the Supply Order form to the Office Specialist in charge of ordering supplies.

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#### **806.4 ORIGINAL FILES**

Original reports shall not be removed from the Records Section without supervisory permission.

#### **806.5 EXPUNCTION**

If the Sheriff's Office receives a court order directing that records relating to a particular person's conviction or arrest for any offense be expunged, the order shall be complied with as soon as possible, but no longer than the time directed in the order.

Arrest records and associated follow-up reports that relate solely to the person described in the order shall be removed from the file and destroyed in their entirety according to the directions of the court order.

If the report also relate to the investigation or arrest of other persons not described to be expunged in the court order, any mention of the subject of the court order will be completely removed from the report and redacted from the report and replaced with the word "Expunged". Other information such as relatives names, addresses or license numbers, that could be used to identify the subject of the order, shall also be removed and redacted and replaced with the word "Expunged".

The order applies to all hard copies of the report as well as any electronic versions that may exist on any computer system under the control of the Sheriff's Office.

Electronic reports subject to the order to seal shall be printed in their entirety and then the electronic version deleted by a supervisor.

Upon an order to seal a record, the hard copy of the report shall be placed in a file or envelope and sealed with tamper evident tape. The outside of the file or envelope should be noted with "Sealed Per Order of the (name of court & jurisdiction), Court Order Number, and Date of Order. Sealed reports are to be kept in a separate secure location within the records storage room.

Sealed reports are not to be unsealed unless, and until, the Sheriff's Office receives a subsequent court order that supersedes the original and directs the file to be unsealed.

#### **806.6 CRIME REPORTING**

State and federal law requires the reporting of monthly criminal statistics. The Lincoln County Sheriff's Office is OUCR II and NIBRS compliant through the Alliance report writing database. The Records Supervisor, in conjunction with the patrol supervisors, shall be responsible in ensuring staff properly adhere to the rules for the capture of full and accurate statistical data. The Records Supervisor will ensure the monthly crime data is compiled and exported to the Oregon State Police at the beginning of each month.

#### **806.7 REPORTING CRIME STATISTICS**

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of the Records Section personnel to enter such information into the Lincoln County Sheriff's Office data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) ([Oregon Revised Statutes 181.550](#)).

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#### **806.8 CRIMINAL STATISTICS**

The Records Supervisor is responsible for ensuring that statistics used for community service, grants, officer activity, officer safety, criminal activity and similar functions, can be compiled from the database. Reports based on data in the Alliance report writing database will be built and saved for staff. Records will be responsible for performing statistical searches using police report and citation data although other Sheriff's Office staff will be able to run most other statistical reports.

## Restoration of Firearm Serial Numbers

### 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

### 808.2 PROCEDURE

Any firearm coming into the possession of the Lincoln County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

#### 808.2.3 DEPUTY RESPONSIBILITY

The Property Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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### *Restoration of Firearm Serial Numbers*

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#### **808.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **808.2.5 FIREARM TRACE**

After the serial number has been restored or partially restored by the criminalistics laboratory, the Property Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF [eTrace](#) system.

#### **808.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

## Records Release and Security

### 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Lincoln County Sheriff's Office reports and records in accordance with applicable law.

### 810.2 PUBLIC REQUESTS FOR RECORDS

Every person has a right to inspect any public record of a public body in this state. The Oregon Public Records Act ([Oregon Revised Statutes Chapter 192](#)) provides that records created by a public agency shall be subject to inspection and release unless exceptions are established by statute. Certain public records relating to law enforcement are exempted as indicated in this policy. The Lincoln County Sheriff's Office will disclose police reports unless the report is exempt from public disclosure under the public records law. Public requests for records of this Sheriff's Office shall be processed as follows:

### 810.3 REPORT RELEASE RESTRICTIONS

The procedures set forth in Policy are to be applied in conjunction with the Oregon Public Records Law and the Bar Press Guidelines.

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this agency shall be made public subject to the following restrictions.

### 810.4 CRIMINAL INVESTIGATIONS AND POLICE REPORTS

#### 810.4.1 ARREST AND CRIME REPORTS

The record of an arrest or the report of a crime shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

- (a) The arrested person's name, age, residence, employment, marital status and similar biographical information.
- (b) The offense with which the arrested person is charged.
- (c) The conditions of release pursuant to [Oregon Revised Statutes 135.230 to 135.290](#).
- (d) The identity of and biographical information concerning both complaining party and victim.
- (e) The identity of the investigating and arresting agency and the length of the investigation.
- (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used.
- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

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#### **810.4.2 INVESTIGATORY INFORMATION**

Except as specified in the previous section, Investigatory information compiled for criminal law purposes is exempt from disclosure. The contents of police reports or any other investigatory information shall not be released without the authorization of the detective supervisor in charge of the investigation.

#### **810.4.3 JUVENILE RECORDS**

Juvenile records are treated differently from records of adults. When a deputy submits a report in which the victim or suspect is a juvenile, the deputy will stamp "Juvenile" on the first page of the report or in the case of an electronic report, select the "Juvenile" button on each juvenile victim or suspect.

Except as defined in this section, reports involving juveniles are generally confidential and may not be released. Any requests for reports or records involving juveniles not specifically authorized by this policy should be referred to the County Juvenile Department ([ORS 419A.255\(2\)](#); [ORS 419A.255\(8\)](#)).

- (a) If a youth is taken into custody under circumstances where he/she could be arrested without a warrant if an adult, or pursuant to an order of the Juvenile Court, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim ([ORS 419A.255\(6\)](#)):
  - 1. The youth's name and date of birth and whether the youth is employed or in school.
  - 2. The youth offense for which the youth was taken into custody.
  - 3. The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted.
  - 4. The identity of the investigating and arresting agency.
  - 5. The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.
- (b) Any additional information is kept confidential unless requested by one of the following ([ORS 419A.255](#); [ORS 419A.257](#)):
  - 1. Other public agencies for use in investigating or prosecuting cases in which the juvenile in question is somehow involved.
  - 2. Department of Human Services, Child Welfare Division, Oregon Youth Authority or the local Juvenile Department.
- (c) Child abuse cases may only be made available to a law enforcement agency, local or state prosecutors, a child welfare agency or other entities as designated by law ([ORS 419B.035](#)).
- (d) Court appointed special advocates (i.e., CASA volunteer or employee) will be permitted to inspect and copy any records held by this office relating to the child or ward involved in a case and members of this office may consult with the court appointed special advocate regarding the case. Consent of the child, ward or parents to the sharing of such information is not required (2012 Oregon Laws c107, §105).



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#### **810.5 OTHER DEPARTMENT RECORDS**

##### **810.5.1 MEDICAL RECORDS, SEALED RECORDS, IN CUSTODY RECORDS AND STUDENT RECORDS**

The following records are exempt from disclosure under [Oregon Revised Statutes 192.496](#):

- (a) Records which contain information about the physical or mental health, or treatment thereof, of a living individual; if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy.
- (b) Records less than 75 years old which were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order.
- (c) Records of a person who is or has been in the custody or under the lawful supervision of a state agency, a court or a unit of local government, are exempt from disclosure for a period of 25 years after termination of such custody or supervision to the extent that disclosure thereof would interfere with the rehabilitation of the person if the public interest in confidentiality clearly outweighs the public interest in disclosure. Nothing in this subsection, however, shall be construed as prohibiting disclosure of the fact that a person is in custody.

##### **810.5.2 CONDITIONALLY EXEMPT PUBLIC RECORDS**

The following public records will not be released unless the public interest requires disclosure ([Oregon Revised Statutes 192.501](#)):

- (a) Records pertaining to any litigation to which the Department is, or is likely to be a party except where litigation which has been concluded.
- (b) Any record pertaining to department operations or the use and deployment of personnel and equipment, if disclosure would endanger public safety or jeopardize a law enforcement activity.
- (c) Records or information that would disclose or jeopardize security measures taken by the Department to protect department members, property or operations.

##### **810.5.3 OTHER PUBLIC RECORDS EXEMPT FROM DISCLOSURE**

The following public records are generally exempt from disclosure and absent a court order or other legal process shall not be released except with the expressed authorization of the Sheriff or his/her designee ([Oregon Revised Statutes 192.410](#) et seq.):

- (a) Specific records containing the home address, personal telephone number, or e-mail address of any individual who has previously submitted a written request of non-disclosure in accordance with rules established by the Attorney General.
- (b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy.
- (c) Personal information of any member of or volunteer of this department including addresses, Social Security numbers, dates of birth and telephone numbers.
- (d) Any public record or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon or Federal law.

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### *Records Release and Security*

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#### **810.5.4 PERSONNEL RECORDS**

Certain information contained in personnel records is confidential and is also exempt from public disclosure. The following information shall not be released unless the public interest requires disclosure in the particular instance as determined by a court or other legal process ([ORS 181.854](#); [ORS 192.501\(12\)](#); [ORS 192.502\(2\)](#)):

- (a) Medical information contained in medical records and similar uniquely personal information which, if released, would constitute an unreasonable invasion of privacy.
- (b) Records, materials, or documents supporting a personnel investigation that is pending or ongoing or has resulted in discipline of the involved employee.
- (c) Photographs that identify an employee, unless the employee consents in writing.
- (d) Audio or video records of internal investigation interviews ([Ch. 485 Oregon Laws](#)).

Any release of such information must be reviewed by legal counsel and approved by the Sheriff. Although exempt from public disclosure, such records and information may be subject to discovery in civil or criminal proceedings or as detailed [Ch. 485 Oregon Laws](#). In such a situation, the Lincoln County Sheriff's Office will oppose disclosure unless the court specifically orders the release.

#### **810.5.5 CONCEALED HANDGUN LICENSE**

Information contained in Concealed Handgun License applications or other files that contain personal, medical, or similar information, if public disclosure would constitute an unreasonable invasion of privacy, shall not be made public ([ORS 192.502](#)).

No member of this office shall disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, except as provided in the Oregon Public Records Law and [OAR 137-004-0900](#).

#### **810.6 OTHER RECORDS**

The Lincoln County Sheriff's Office maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure; however, if the disclosure refusal is challenged, the burden will be on the Lincoln County Sheriff's Office to support its refusal ([Oregon Revised Statutes 192.450](#)).

Any record which was created exclusively in anticipation of potential litigation involving this agency shall not be subject to public disclosure ([Oregon Revised Statutes 192.501\(1\)](#)).

#### **810.6.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any office record except as authorized by the Sheriff's Office and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose ([ORS 802.181](#) and [18 USC § 2721](#)).

#### **810.7 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance,

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it is not an order from the Court that will automatically require the release of the requested information.

All questions the supervisor has regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Sheriff Office so that a timely response can be prepared.

#### **810.8 RELEASED RECORDS TO BE STAMPED**

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a Sheriff's Office stamp identifying the individual to whom the record was released.

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# Computerized Criminal Offender Information/Computerized Criminal History (CCH)

## 812.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information and persons authorized to release that information.

## 812.2 AUTHORITY

Authority for the release or obtaining of Criminal History information is established in [ORS 181.533](#) through [ORS 181.560](#).

## 812.3 DEFINITIONS

Definitions related to this policy include [ORS 181.010](#); [OAR 257-010-0015](#)):

**Computerized Criminal History (CCH)** - Includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the Oregon State Police (OSP), Identification Services Section for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

**Criminal Justice Agency** - Includes the following:

- (a) The Governor
- (b) Courts of criminal jurisdiction
- (c) The Attorney General
- (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees of the Office of Public Defense Services and non-profit public defender organizations established under contract with the Public Defense Services Commission
- (e) Law enforcement agencies
- (f) The Department of Corrections
- (g) The State Board of Parole and Post-Prison Supervision
- (h) The Department of Public Safety Standards and Training
- (i) The Oregon Liquor Control Commission
- (j) Any other state or local agency with law enforcement authority designated by order of the Governor

**Designated Agency** - Any state, county or municipal government agency where Oregon criminal offender information is required to implement a federal or state statute, executive order or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct or for agency employment purposes, or licensing purposes, or other demonstrated and legitimate needs when designated by order of the Governor.

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#### **812.4 ACCESS TO CCH**

CCH may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

##### **812.4.1 ACCESS BY CRIMINAL JUSTICE AGENCIES**

Access to OSP criminal offender information, LEDS & NCIC files, may be granted to Criminal Justice Agencies, where the information is to be used for the administration of criminal justice, Criminal Justice Agency employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs.

##### **812.4.2 LEDS REPRESENTATIVES**

The Sheriff's Office shall designate two LEDS Representatives (1 for the Patrol and Records Divisions and one for the Jail Division). The LEDS Representatives are responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The LEDS Representatives will resolve specific questions that arise regarding authorized recipients of criminal history. If the LEDS Representatives are unavailable, the question should be referred to your supervisor.

##### **812.4.3 RELEASE OF CRIMINAL OFFENDER INFORMATION**

Criminal offender information shall only be released in the following circumstances, as set out by [OAR 257-010-0025](#):

- (a) **Release to Criminal Justice and Designated Agencies:** Oregon criminal offender information may be shared between authorized Criminal Justice and Designated Agencies only as specified in the Oregon Administrative Rules (OAR) and the Law Enforcement Data System (LEDS) Manual.
- (b) **Release of FBI criminal offender information:** Dissemination of FBI criminal offender information to public or private agencies by Criminal Justice or Designated Agencies is prohibited by 28 USC § 534 and 28 CFR 20.33(b). Inquiries for non-official purposes or the checking of records for unauthorized persons or agencies is prohibited. A person wishing to review his/her criminal history record maintained by the FBI should write to: Federal Bureau of Investigation, CJIS Division, Attn: SCU, Module D2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306. The FBI will inform the person how to obtain a copy of his/her record and, if necessary, how to challenge the accuracy or completeness of that record.
- (c) **Release of criminal offender information to field personnel:** Lincoln County Sheriff's Office personnel shall not have access to criminal offender information until a fingerprint based background investigation has been completed and approved. Any radio transmission of criminal offender information should only occur when deputy or citizen safety is in jeopardy. Cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Requests for criminal offender information other than as authorized in this policy should be referred to the nearest Oregon State Police, Identification Services Section located at

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3772 Portland Rd. N.E., Salem, OR 97303. Inquiries may also be made through the OSP webpage at [www.osp.state.or.us](http://www.osp.state.or.us).

#### **812.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to the Temporary Custody of Juveniles Policy for more specific information regarding cases involving juveniles.

#### **812.6 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her own Oregon criminal offender information by contacting the Oregon State Police, Identification Services Section located at 3772 Portland Rd. N.E., Salem, OR 97303 ([OAR 257-010-0035](http://www.osp.state.or.us)).

An individual may review his/her local record on file with the Department under the provisions of [ORS 192.501\(3\)](http://www.leg.state.or.us), and after complying with all legal requirements. This office will not release information originated by any other agency ([ORS 192.410 to ORS 192.505](http://www.leg.state.or.us)).

#### **812.7 PROTECTION OF CRIMINAL OFFENDER INFORMATION**

Any Criminal Justice or Designated Agency or private entity obtaining or receiving criminal offender information shall maintain those records in secure files, available only to authorized agency employees, until they are destroyed by burning, shredding or secure and confidential recycling and shall treat those records in such a manner that the record does not become public information in any later proceeding, except through court order or as otherwise provided by law.

##### **812.7.1 COMPUTER TERMINAL SECURITY**

Any computer terminal with CCH accessing capability must be physically secure and placed in a location not available to unauthorized persons. Computer terminals must be so placed that unauthorized persons may not observe the content of messages transmitted or received on such computer terminal.

##### **812.7.2 DESTRUCTION OF CRIMINAL OFFENDER INFORMATION**

When any document providing criminal offender information has served the purpose for which it was obtained, it shall be destroyed by burning, shredding, or secure and confidential recycling.

Each employee shall be responsible for destroying the criminal offender information they receive.

#### **812.8 TRAINING PROGRAM**

All personnel authorized to process or release criminal offender information shall be required to complete a training program as prescribed by LEDS ([OAR 257-015-0050](http://www.leg.state.or.us)).

The Training Sergeant shall coordinate the course to provide training in the proper use, control, and dissemination of criminal offender information.

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#### **812.9 PENALTIES FOR MISUSE OF RECORDS**

Violation of federal and state regulations governing access to criminal offender information can result in the department's access to that information being terminated. Violation of these procedures can be cause for discipline up to and including termination.

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## Computers and Digital Evidence

### 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Office. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers,



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monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

#### **814.2.1 BUSINESS OR NETWORK COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners.

#### **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

#### **814.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request Property Control to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

#### **814.4 SEIZING PERSONAL COMMUNICATION DEVICES**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

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- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

#### **814.5 DIGITAL EVIDENCE RECORDED BY DEPUTIES**

Deputies handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

##### **814.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

##### **814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras:

- (a) As soon as possible following the collection of evidence, deputies should remove the recording media (smart card, compact flash card or any other media) from their digital camera and copy the images from the memory card using appropriate storage media. Upon completion of the transfer, the storage media shall be submitted into evidence following procedures outlined in policy number 804.3.1.
- (b) Once it is verified that the images are properly transferred to the storage media, the deputy will erase the memory card for reuse. The storage media shall be marked as the original.

##### **814.5.3 DOWNLOADING OF DIGITAL FILES**

Digital information such as video or audio files recorded on devices using internal memory (including the in-car video systems and digital voice/video recorders) must be downloaded to storage media. The following procedures are to be followed:

- (a) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

##### **814.5.4 PRESERVATION OF DIGITAL EVIDENCE**

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

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- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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## Animal Services

### **820.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for animal services officers and Lincoln County Sheriff's Office personnel in dealing with animal control related calls for service and to set forth procedures regarding animal services, the handling of injured animals, and the abatement of animal nuisances.

### **820.2 ANIMAL SERVICES DEPUTY RESPONSIBILITY**

The animal services deputy shall be responsible for enforcing local ordinances relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The animal services officer shall be under the operational control of the Patrol Operations and Animal Services Division. The animal control officer's assigned working hours will be scheduled by the Patrol Sergeant.

During hours when the animal services officer is on duty, requests for animal control services shall be assigned by the communications center or the Patrol Sergeant.

Requests for assistance by the animal services officer shall be acknowledged and responded to promptly.

### **820.3 DEPUTY RESPONSIBILITY**

A patrol deputy may be dispatched to animal related calls when there is no animal services deputy working and should take appropriate actions to control the situation. Due to the hazards of handling animals without proper equipment, a responding deputy generally should not attempt to capture and pick up any animal. The following are examples of when a deputy may consider acting:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal .
- (e) When the animal is gravely injured.

#### **820.3.1 ANIMAL CRUELTY COMPLAINTS**

An animal services deputy may request a certified patrol deputy to assist with the investigation and when appropriate for the purpose of handling the disposition of any animal(s) associated with the case ([Oregon Revised Statutes 133.379](#)).

If a search warrant is needed, the animal service deputy will request the assistance of a certified patrol deputy. The patrol deputy must sign the search warrant.

When probably cause exists, a certified deputy may arrest persons who violate certain cruelty to animal statutes ([ORS 133.379](#)).

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#### **820.3.2 STRAY DOGS**

Attempts should be made to contact the owner of the stray dog. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If the animal is not released, it shall be transported to the Animal Shelter. The transporting employee shall ensure the animal has sufficient food, water, and bedding.

#### **820.3.3 ANIMAL BITE REPORTS**

Deputies shall obtain as much information as possible for forwarding to the animal services officer for follow-up. An Animal Bite Report Form must be completely filled out and attached to the incident report, with a copy forwarded to the County Health Department.

Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property for 10 days. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

#### **820.4 DECEASED ANIMALS**

For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck.

Large animals such as deer, elk, coyotes, etc., should be moved to the side of the roadway, if possible, for later removal by the Road Department.

#### **820.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of the Lincoln County Sheriff's Office, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency & Critical Care Services Clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
  1. When the need to euthanize a seriously injured or dangerous animal exists, Policy Manual section 304 (Shooting Policy) shall be followed. The decision to euthanize a seriously injured animal will rest with the supervisor.
- (d) Injured wildlife should be referred to the Marine Mammal Center, Oregon Department of Fish and Wildlife or the Oregon State Police, as applicable.
- (e) When handling dead or injured animals sheriff's office employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (f) Each incident shall be documented to include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

#### **820.6 CITATIONS**

It should be at the discretion of the deputy or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

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#### **820.7 POST-ARREST PROCEDURES**

The arresting deputy should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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## Animal Shelter Procedures

### **821.1 PURPOSE AND SCOPE**

The Lincoln County Sheriff's Office is dedicated to providing a safe haven for abandoned, lost, and abused and neglected animals; to educate the public on animal welfare issues; and to protect animal welfare and public safety by enforcing Oregon's anti-cruelty and animal control laws. The Sheriff Office operates the animal shelter in a professional manner incorporating sound techniques of kennel science, disease control, sanitation, humane care, and customer service as set forth in these policies and the Lincoln County Animal Shelter Standard Operating Procedures Manual.

### **821.2 ANIMAL HANDLING AND CARE**

All animals will be treated in a humane manner. Employees will not use more restraint than is reasonably necessary under the circumstances to prevent injury to any person or animal. All animals will receive proper medical care; appropriate diet and clean water; clean, sanitary, and comfortable kennels; and exercise, socialization, and enrichment.

### **821.3 RECEIVING STRAY ANIMALS**

Animal Shelter staff, or impounding deputies or officers, must obtain all information on the Intake/Redemption Form including information about the finder, the animal, the location the animal was found, any information about a possible or known owner and their contact information, and a signature from the finder. All lost or stray animals will be held not less than five (5) days before being adopted, transferred, or euthanized. If an animal is brought to the shelter with an identification tag, microchip, or current license, the Shelter staff will attempt to notify the owner by phone and mail. A dog or cat who has bitten a person must be quarantined for no less than ten (10) days from the date of the bite. At the end of the quarantine time, a dog may not be released from the shelter until ordered by the County Court, or authorized by the Animal Services Deputy or the impounding Officer of record. Any animal deemed by the shelter staff to be severely injured, medically unstable, dangerous, or present a threat to the health of the current shelter population may be humanely euthanized to prevent further pain, suffering, or danger to the shelter animals or staff.

### **821.4 RECEIVING OWNER SURRENDERED ANIMALS**

An animal surrendered by their lawful owner or agent becomes the property of the Lincoln County Animal Shelter upon intake. Shelter staff will make reasonable efforts to obtain information about the animal's behavior and veterinary history. Owners/agents surrendering their animal(s) must sign a written release and pay owner surrender fees as set forth in the Lincoln County Fee Schedule.

### **821.5 ANIMAL REDEMPTION**

Animals being redeemed will only be released to the legal owner or their agent. Owners/agents must present identification and pay the appropriate impound and boarding fees as set forth in the Lincoln County Fee Schedule. If the dog is not currently licensed in the county, owners must provide proof of rabies at the time of redemption to purchase a license. If the dog does not have a current rabies vaccination, the owner/agent will need to pre-purchase a license and pay a \$20 dog license deposit. The license will be issued and the \$20 deposit will be refunded when a copy of the dog's rabies certificate and proof of spaying or neutering (if applicable) is provided to the shelter. The license fee and deposit

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will be forfeited if proof of rabies inoculation is not provided to the shelter within eight (8) days, or if the dog is impounded again within the 8 days.

#### **821.6 LOST OR FOUND ANIMALS**

Employees will record lost and found reports on the phone log and in the shelter database, and will make all reasonable efforts to reunite owners with their pets.

#### **821.7 ANIMAL LICENSING**

All dogs living in the state of Oregon are required by law to be vaccinated against rabies. All dogs living in Lincoln County are required by law to be licensed at six (6) months of age (or when permanent canines appear) or within thirty (30) days of becoming a Lincoln County resident. The licensing fees are set forth in the Lincoln County Fee Schedule.

#### **821.8 EUTHANASIA**

Animals may be humanely euthanized when they have medical conditions that are untreatable or pose an extreme risk to the existing shelter population, or have behavior issues that are untreatable or unsafe for the community.

Animal owners may request euthanasia for medical or unmanageable behavior reasons upon payment of fees set forth in the Lincoln County Fee Schedule.

Shelter staff must complete an Animal Disposition Form and obtain approval from the Shelter Manager prior to euthanasia.

All euthanasias must be performed by a Certified Euthanasia Technician (CET), or CET in training with a CET in attendance, and in compliance with the Lincoln County Animal Shelter Standard Operating Procedures Manual.

#### **821.9 VOLUNTEERS**

Potential volunteers, including those interested in fostering, must fill out an application. Upon receipt, the Chief Civil Deputy will complete a basic background investigation and return the application to the Shelter Manager. Approved volunteers will attend an orientation session and receive training from shelter staff or from an experienced volunteer. If the application is denied, the applicant will be notified.

#### **821.10 SAFETY**

All staff and volunteers will follow safety and cleaning protocols as set forth in the Lincoln County Animal Shelter Standard Operating Procedures Manual.



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**Chapter 9 - Custody**

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## Custody Searches

### 902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Sheriff's Office procedures which conform to [Oregon Revised Statutes 131.605 to 131.625](#) and [Oregon Revised Statutes 133.525 to 133.537](#), regarding lawful searches.

### 902.2 DEFINITIONS OF SEARCHES

**Frisk or Pat-Down Search** - This is the type of search used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the prisoner, or other prisoners ([Oregon Revised Statutes 131.605](#)).

**Booking Search** - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

**Strip Search or Visual Body Cavity Search** - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

**Physical Body Cavity Search** - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

### 902.3 PAT DOWN SEARCHES

When any deputy has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the deputy reasonably believes that the individual may present a threat to officer safety, that deputy may conduct a normal pat-down search of that individual ([ORS 131.625](#)).

Prior to detaining any individual in any sheriff's vehicle, a deputy should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by a deputy of the same sex as the person being searched. Absent the availability of a same sex deputy, it is recommended that a witness deputy be present during any pat-down search of an individual of the opposite sex as the searching deputy.

### 902.4 ARRESTEE PROPERTY INVENTORIES

(a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:

1. The person is not cited and released
2. The person is not released on his or her own recognizance

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3. The person is not able to post bail within a reasonable time not less than three hours
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.
- (c) A deputy should inventory an arrestee's personal property before the arrestee is placed in a department vehicle or taken inside the temporary holding facility, jail, or transferred to another agency's custody.
  1. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
- (d) Deputies should conduct the inventory by removing all items from the arrestee's clothing and any open container in the arrestee's possession. Closed containers should be opened and inventoried only when:
  1. Reasonable suspicion exists that the contents of the container may pose significant safety risk and permission for the inventory is approved by a supervisor.
  2. The arrestee consents to or requests an inventory of the contents of the closed container.
  3. The closed container is designed for carrying money and/or small valuables on or about the person. This includes, but is not limited to, closed purses, closed coin purses, closed wallets, luggage, backpacks, briefcases, and closed fanny packs.
- (e) Inventories of the contents of a closed container in the possession of such person should only be conducted when:
  1. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room.
  2. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room.
- (f) The deputy or other employee charged with such inventories must ensure that the arrestee receives a receipt for any money or other valuables received and should have the arrestee countersign both the original and duplicate receipt. Employees will otherwise comply with ORS 133.455 if the arrestee is unable to sign. Failure to comply with ORS 133.455 is a misdemeanor.

### **902.5 UNCLOTHED SEARCHES**

- (a) Arrestees brought to the jail may not be subjected to an unclothed body search unless all reasonable release alternatives have been exhausted or there is an individualized determination of reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search.
- (b) No strip search or visual body cavity search shall be conducted by a patrol deputy without prior written authorization from a supervisor. The time, date, and place of the search, the name and gender of the person conducting the search and a statement

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### *Custody Searches*

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of the results of the search, a description of the nature and extent of the search, shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.

- (c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.
- (d) Unless conducted by a physician or other licensed medical personnel, the deputy(s) conducting the strip search or visual body cavity search shall be of the same sex as the person being searched.
- (e) Whenever possible, a deputy, and of the same gender as the arrestee, should also be present during the search, for security and as a witness to the finding of evidence. No unnecessary persons shall be present or able to view the procedure.
- (f) The deputy conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

\* Please see Jail Operations police B3-B01 for more information on unclothed searches of inmates.

#### **902.5.1 PHYSICAL BODY CAVITY SEARCH**

Should visual examination of a suspect during a strip search and/or other information lead a deputy to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:

- (a) No person arrested on a misdemeanor shall be subjected to a body cavity search without a search warrant
- (b) The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken
- (c) The deputy shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of deputies or others, and/or the security of the Lincoln County Sheriff's Office's detention operations
- (d) If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the deputy's probable cause
- (e) On the basis of a search warrant, a body cavity search shall be performed only by an authorized agency physician or by other medically trained personnel at the physician's direction
- (f) For safety and security reasons, the search shall be conducted at the Lincoln County Sheriff's Office's detention facility or other authorized facility and in the room designated for this purpose
- (g) Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy
- (h) The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing deputy shall co-sign that report

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### *Custody Searches*

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1. A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative

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## Prison Rape Elimination

### 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Lincoln County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

#### 904.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

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### *Prison Rape Elimination*

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**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

#### **904.2 POLICY**

The Lincoln County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Lincoln County Sheriff's Office will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

#### **904.3 PREA COORDINATOR**

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Lincoln County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Lincoln County Sheriff's Office prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).
- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents or a similarly comprehensive and authoritative protocol.
  2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

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### *Prison Rape Elimination*

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3. A process to document all referrals to other law enforcement agencies.
  4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).
  2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

#### **904.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse



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- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **904.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Sergeant any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### **904.4.2 PATROL SERGEANT RESPONSIBILITIES**

The Patrol Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Patrol Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

#### **904.5 INVESTIGATIONS**

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment.

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Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### **904.5.1 FIRST RESPONDERS**

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

#### **904.5.2 INVESTIGATOR RESPONSIBILITIES**

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Lincoln County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

#### **904.5.3 ADMINISTRATIVE INVESTIGATIONS**

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

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#### **904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS**

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

#### **904.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Administrator. The Sheriff or County Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

#### **904.6 RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Patrol Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

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#### **904.7 REVIEWS AND AUDITS**

##### **904.7.1 INCIDENT REVIEWS**

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

##### **904.7.2 DATA REVIEWS**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

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All aggregated sexual abuse data from Lincoln County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **904.8 RECORDS**

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **904.9 TRAINING**

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide

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annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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**Chapter 10 - Personnel**

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

The employment policy of the Lincoln County Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Lincoln County Personnel Department.

### 1000.2 APPLICANT QUALIFICATIONS AND SELECTION PROCESS

Candidates for job openings will be selected based on character, merit, ability, competence and experience.

#### 1000.2.1 MINIMUM REQUIREMENTS

All persons hired by this office must meet the applicable minimum standards established by law, in addition to any standards established by this office:

- (a) Persons hired as law enforcement officers by this office meet the minimum employment standards and requirements set by the Oregon Department of Public Safety Standards and Training (DPSST) ([OAR 259-008-0010](#) and [OAR 259-008-0070](#)).
- (b) Persons hired for any other position meet the requirements established by this office.
- (c) Personal history investigations for law enforcement officer are conducted and retained appropriately and that all applicants are interviewed personally, prior to employment, by the Sheriff or the authorized designee ([OAR 259-008-0015](#)).

### 1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Lincoln Personnel Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Lincoln or State of Oregon hiring standards. The disqualifiers listed below are examples and are not intended to be all inclusive. Other factors may also disqualify applicants. Final decisions will be at the discretion of the Sheriff.

The following standards have been adopted for public safety applicants:

#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Oregon driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds



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- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations (or any single instance of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
  - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

#### **1000.3.2 INTEGRITY**

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following may be disqualifying:
  - 1. Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### **1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW**

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following may be disqualifying:
  - 1. Conviction of any criminal offense classified as a misdemeanor under Oregon law within three years prior to application
  - 2. Conviction for two or more misdemeanor offenses under law as an adult
  - 3. Conviction of any offense classified as a misdemeanor under Oregon law while employed as a peace officer (including military police officers)
  - 4. Admission(s) of having committed any act amounting to a felony (including felonies treated as misdemeanors at sentencing) under Oregon law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)

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5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than three years difference in age existed at the time of the acts
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

#### **1000.3.4 DEPENDABILITY**

- (a) A record of submitting reports on time and not malingering on calls
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following may be disqualifying:
  1. Missing any scheduled appointment during the process without prior permission
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations
  3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
  4. Having a work history that indicates an inability to maintain a long-term relationship with an employer or to establish and work toward achieving long-term goals
  5. For deputy applicants having undergone personal bankruptcy more than once; having current financial obligations for which legal judgments have not been satisfied; currently having wages garnished; or any other history of financial instability. The credit history of an applicant or employee shall not be used or obtained as part of an employment decision, including hiring, discharge, promotion or demotion, unless the position qualifies as a public safety officer as defined in [OAR 839-005-0075](#).
  6. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged
  7. Having any outstanding warrant of arrest at the time of the application

#### **1000.3.5 LEARNING ABILITY**

- (a) The ability to comprehend and retain information
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### *Recruitment and Selection*

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- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following may be disqualifying:
  - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
  - 2. Having been academically dismissed from any DPSST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another DPSST basic law enforcement academy shall rescind this requirement

#### **1000.3.6 PERSONAL SENSITIVITY**

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following may be disqualifying:
  - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
  - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
  - 3. Having been disciplined by any employer as an adult for fighting in the workplace

#### **1000.3.7 JUDGMENT UNDER PRESSURE**

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following may be disqualifying:
  - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
  - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

# Lincoln County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

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#### **1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS**

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
  2. Any adult use or possession of marijuana within one year prior to application for employment
  3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
  4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
  5. Any adult manufacture or cultivation of a drug or illegal substance
  6. Failure to divulge to the Sheriff's Office any information about personal illegal use or possession of drugs
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
  3. Any illegal or unauthorized use of prescription medications

## Evaluation of Employees

### **1002.1 PURPOSE AND SCOPE**

The employee performance evaluation system is designed to record work performance for both the Sheriff's Office and the employee, providing recognition for good work and developing a guide for improvement.

### **1002.2 POLICY**

The Lincoln County Sheriff's Office utilizes an evaluation to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Sheriff's Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

#### **1002.2.1 ANNIVERSARY DATES**

A new or promoted employee's anniversary date is the first of the month following six full calendar months of service in that class and then yearly on this date thereafter.

For purposes of this section, the term "anniversary date" means the date assigned to an employee for eligibility of step increases within the pay range of the employee and is not the same as years of service or seniority.

For reclassifications, demotions, or transfers the employee's anniversary date will remain unchanged.

### **1002.3 EVALUATION PROCESS**

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All certified and civilian supervisory personnel should attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity.

# Lincoln County Sheriff's Office

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### *Evaluation of Employees*

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Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

#### **1002.3.1 RESERVE DEPUTY EVALUATIONS**

Reserve deputy evaluations are covered in the Reserve Deputies Policy.

#### **1002.4 FULL-TIME PERMANENT STATUS PERSONNEL**

Permanent employees are subject to three types of performance evaluations:

**Regular** - Evaluations shall be completed on or before the employee's anniversary date.

**Transfer** - If an employee is transferred from one division to another in the middle of an evaluation period and more than 90 days have transpired since the last evaluation, then an evaluation shall be completed by the immediate supervisor(s) before the transfer is made.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor(s) feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor(s) should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor(s) and employee will sign and date the evaluation. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

#### **1002.5 EVALUATION INTERVIEW**

When the supervisor(s) has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor(s) should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor(s) may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor(s) should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor(s) and employee will sign and date the evaluation. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

#### **1002.6 EVALUATION REVIEW**

After the supervisor(s) finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor(s) on the quality of ratings given. The Sheriff is the final reviewer and must sign off on the evaluation.

# Lincoln County Sheriff's Office

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### *Evaluation of Employees*

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#### **1002.7 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to the County Personnel Department.

## Promotional and Transfer Policy

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the Lincoln County Sheriff's Office and the processes to be followed.

#### 1004.1.1 DEFINITIONS

**Promotion** - Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

**Transfer** - Assignment to a different work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Sheriff. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

#### 1004.1.2 CERTIFIED NON-SUPERVISORY ASSIGNMENTS

The following positions are considered transfers and are not considered promotions. This list is not all inclusive of the various assignments within this Sheriff's Office:

- (a) SWAT Deputy
- (b) Interagency Crash Team
- (c) Field Training Officer
- (d) Marine Deputy
- (e) Forest Deputy
- (f) Civil Deputy
- (g) Community Relations/Training Officer
- (h) Court/transport Deputy

### 1004.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity.
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making.
  - 4. Personal integrity and ethical conduct.
  - 5. Leadership
  - 6. Initiative



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### *Promotional and Transfer Policy*

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7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives in a positive manner.

#### **1004.2.1 DESIRABLE QUALIFICATIONS**

The following qualifications apply to consideration for transfer:

- (a) Three years' experience
- (b) Non-probationary employee
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by the Department of Public Safety Standards and Training or law

#### **1004.3 SELECTION PROCESS**

The following criteria apply to transfers.

- (a) A memorandum from the employee will be addressed to their supervisor requesting transfer or consideration for promotion.
- (b) The memorandum will include the reason for requesting the desired position and why the employee believes they are qualified for the position.
- (c) The supervisor will review the request and either offer a favorable recommendation or not recommend the employee for the requested position. The recommendation will be in writing.
- (d) In either instance, justification will be included to support the supervisor's recommendation. The basis of the recommendation will be the employee's performance evaluation and behavior.
- (e) The supervisor will advise the employee of their recommendation and justification prior to forwarding the request to their Division Commander.
- (f) Regardless of the recommendation, the employee's request and supervisor's memorandum will be forwarded to their Division Commander for further review.
- (g) If the supervisor's recommendation is favorable and the Division Commander concurs, the employee will proceed to interviews and further consideration.
- (h) If the supervisor's recommendation is not favorable and the Division Commander concurs, there will be no further consideration of the employee's request.
- (i) The employee will be advised of the Division Commander's decision in writing.
- (j) If the Division Commander disagrees with the supervisor's recommendation, favorable or unfavorable, the Division Commander will confer with the supervisor making the recommendation to review the supervisor's justification.
- (k) The Division Commander's decision to forward or not forward an employee's request for further consideration is final.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

# Lincoln County Sheriff's Office

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### *Promotional and Transfer Policy*

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#### **1004.4 PROMOTIONAL SELECTION PROCESS**

Specifications for promotional opportunities are on file with the Lincoln County Personnel Department. Promotions will be determined in accordance with the following procedures:

- (a) A memorandum from the employee will be addressed to their supervisor requesting transfer or consideration for promotion.
- (b) The memorandum will include the reason for requesting the desired position and why the employee believes they are qualified for the position.
- (c) The supervisor will review the request and either offer a favorable recommendation or not recommend the employee for the requested position. The recommendation will be in writing.
- (d) In either instance, justification will be included to support the supervisor's recommendation. The basis of the recommendation will be the employee's performance evaluation and behavior.
- (e) The supervisor will advise the employee of their recommendation and justification prior to forwarding the request to their Division Commander.
- (f) Regardless of the recommendation, the employee's request and supervisor's memorandum will be forwarded to their Division Commander for further review.
- (g) If the supervisor's recommendation is favorable and the Division Commander concurs, the employee will proceed to interviews and further consideration.
- (h) If the supervisor's recommendation is not favorable and the Division Commander concurs, there will be no further consideration of the employee's request.
- (i) The employee will be advised of the Division Commander's decision in writing.
- (j) If the Division Commander disagrees with the supervisor's recommendation, favorable or unfavorable, the Division Commander will confer with the supervisor making the recommendation to review the supervisor's justification.
- (k) The Division Commander's decision to forward or not forward an employee's request for further consideration is final.
- (l) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:
  1. Written exam
  2. Oral Board
  3. Specific skill testing
  4. Assessment Center
  5. Interview with the Sheriff

The Sheriff will make the final selection.

## Reporting of Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Sheriff's Office of any past and current criminal convictions.

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; [ORS 107.095\(5\)](#); [ORS 166.270](#)).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

[ORS 166.270](#) carries specific prohibitions on the carrying of firearms or other weapons upon a felony conviction in the State of Oregon, any other state or under federal law.

[ORS 107.095\(5\)](#) addresses when a restraining order can lead to a violation of the firearms prohibitions of 18 USC § 922. Employees that are or have become subject to such an order shall promptly report that information to a supervisor.

### 1010.3 OTHER CRIMINAL CONVICTIONS

[Oregon Administrative Rules 259-008-0010\(4\)](#) prohibits any person convicted of a felony from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the [Vehicle Code](#) and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Sheriff's Office may be inherently in conflict with law enforcement duties and the public trust.

### 1010.4 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Sheriff's Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Sheriff's Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

# Lincoln County Sheriff's Office

## Policy Manual

### *Reporting of Employee Convictions*

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Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## **Court Actions Involving Employees**

### **1011.1 PURPOSE AND SCOPE**

This policy outlines the actions of a member of the Lincoln County Sheriff's Office in the event they are subjected to civil or criminal enforcement action from a law enforcement authority or other governmental agency with enforcement authority, or private process server.

### **1011.2 POLICY**

It is the policy and expectation of the Lincoln County Sheriff's Office that all members comply with state, national, and local codes and laws.

### **1011.3 CONTACTING A SUPERVISOR**

- (a) Members are required to contact a supervisor of this department under the following circumstances:
1. Upon receipt of a citation or summons for a traffic crime, traffic violation, or other violation;
  2. Upon arrest for a violation or crime;
  3. Receipt of a Restraining Order;
  4. Upon any other court action, criminal or civil, as a result of code or law enforcement action.

### **1011.4 PROCEDURE**

- (a) When an employee is involved in any court action they will contact a supervisor as soon as practical and advise them of the circumstances involving the enforcement or court action.
- (b) This policy does not apply to subpoenas, or other orders to appear, as a result of employment with this office.

## **Drug- and Alcohol-Free Workplace**

### **1012.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### **1012.2 POLICY**

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### **1012.3 GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on Sheriff's Office time can endanger the health and safety of members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify an appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### **1012.3.1 USE OF MEDICATIONS**

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Sheriff's Office while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

#### **1012.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on work premises or on work time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

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## Policy Manual

### *Drug- and Alcohol-Free Workplace*

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1012.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

#### **1012.7 REQUESTING SCREENING TESTS**

A supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

##### **1012.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

##### **1012.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled

# Lincoln County Sheriff's Office

## Policy Manual

### *Drug- and Alcohol-Free Workplace*

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substance as directed, pursuant to a current and lawful prescription issued in his/her name.

- (c) Violates any provisions of this policy.

#### **1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Sheriff's Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1012.9 CONFIDENTIALITY**

The Sheriff's Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening test and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.



## **Sick Leave Reporting**

### **1014.1 PURPOSE AND SCOPE**

Employees of this office are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified number of hours are detailed in each employee's bargaining unit's Collective Bargaining Agreement. Sick time may only be used when an employee is unable to work due to personal illness or a member of the employee's immediate family is ill and the employee must care for that individual.

Sick leave is not considered vacation and abuse of sick leave may result in discipline.

### **1014.2 EMPLOYEE RESPONSIBILITIES**

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall document their leave request on their electronic time sheet describing the type of leave used and the specific amount of time taken.

#### **1014.2.1 NOTIFICATION**

Employees are encouraged to notify their supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Sheriff's Office with no less than 30-days notice of the intent to take leave.

#### **1014.3 EXTENDED ILLNESS**

Employees on extended absences shall, if possible, contact their supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the County.

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### *Sick Leave Reporting*

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All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the County.

#### **1014.4 SUPERVISOR RESPONSIBILITY**

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

## **Vacation and Comp Time Off**

### **1015.1 PURPOSE AND SCOPE**

It is the purpose of this policy to provide members with guidelines for scheduling vacation and comp time off.

### **1015.2 PROCEDURE**

If an employee desires vacation/comp time off they will submit an overtime/time off form to their supervisor indicating the dates desired off. The supervisor will take the following into consideration when deciding to deny or approve the time off request:

- (a) The Collective Bargaining Agreement and related Memorandum(s) of Understanding (MOU).
- (b) Vacation and comp time off will be administered by the work unit.
- (c) The employee submitting the time off request first shall have preference.
- (d) Comp time is to be taken at times mutually convenient to the employee and the Sheriff.

### **1015.3 HARDSHIP**

If an employee is denied time off by a supervisor and this creates an undo hardship for the employee, they may make a written request to the division commander requesting an exception to the time off rule. The written request should state the hardship and reason for requesting time off. The division commander will consider the request on a case-by-case basis and may deny the request for any reason.

The employee should consider a shift trade prior to using the hardship exception.

### **1015.4 NOTIFYING COURTS**

It is the responsibility of the employee to notify the district attorney's office and courts of any scheduled time off.

### **1015.5 CANCELING TIME OFF**

If an employee wishes to cancel an approved time off request they should notify their supervisor.

## Communicable Diseases

### 1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for Sheriff's Office personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances
- To assist Sheriff's Office personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE)
- To protect the privacy rights of all Sheriff's Office personnel who may be exposed to or contract a communicable disease during the course of their duties
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease

### 1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All Sheriff's Office personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

#### 1016.2.1 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall be responsible for the following:

- (a) The overall management of the [bloodborne pathogen Exposure Control Plan \(ECP\)](#) to include the applicable duties, responsibilities and/or safeguards required by 29 CFR 1910.1030 and [OAR 437-002-0360](#).
- (b) Establishing written procedures and developing a training program related to aerosol-transmissible diseases.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning bloodborne pathogens and other communicable diseases.
- (d) Acting as a liaison during OSHA inspections and conducting program audits to maintain a current ECP.
- (e) Maintaining an up-to-date list of sheriff's personnel requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.
- (f) Reviewing and updating the ECP annually (on or before January 1 of each year).

Supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

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### *Communicable Diseases*

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#### **1016.2.2 UNIVERSAL PRECAUTIONS**

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

#### **1016.2.3 PERSONAL PROTECTIVE EQUIPMENT**

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves (Keeping a box in the car recommended)
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend).

The protective equipment is to be kept in each sheriff's vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

#### **1016.2.4 IMMUNIZATIONS**

All personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered immunization, if a vaccine for the specific disease exposure is available and medically appropriate. Such preventive immunization shall be offered at no cost to the employee ([ORS 433.407 and ORS 433.416](#)).

Coordination and approval of immunizations under this policy shall be the responsibility of the Exposure Control Officer or his/her designee.

#### **1016.2.5 WORK PRACTICES**

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

#### **1016.3 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

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### *Communicable Diseases*

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#### **1016.3.1 USE OF WASTE CONTAINERS**

Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

#### **1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated nonintact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

#### **1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE**

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

#### **1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT**

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

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#### **1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT**

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated nonintact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

#### **1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

#### **1016.3.7 DECONTAMINATION OF CLOTHING**

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Sheriff's Office's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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#### **1016.3.8 DECONTAMINATION OF VEHICLES**

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

#### **1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA**

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

#### **1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee(s).

##### **1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

In order to provide appropriate and timely treatment should exposure occur, all employees should verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

##### **1016.4.2 SUPERVISOR REQUIREMENTS**

The supervisor shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name of the exposed employee.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) Potentially infectious materials involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (clean-up, notifications).

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events.

The supervisor should advise the employee of the laws and regulations concerning disclosure of the identity and the infectious status of a source.



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#### **1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT**

Any employee who received exposure or suspected exposure should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) should review the supervisor's report, the Communicable Disease Notification Report and the employee's medical records relevant to the visit and examination.

When a deputy in the performance of his/her official duties sustains a substantial BBP exposure, the ECO will seek to have the source person tested for HIV and Hepatitis B or C by causing the circuit court to be petitioned for an order compelling the testing. The petition must set forth the facts and circumstances of the contact and the reasons the deputy and a medically trained person representing the deputy, if available, believe the exposure was substantial and the testing would be appropriate. The deputy should provide information sufficient to identify and locate, if possible, the alleged source ([ORS 433.085\(1\)\(2\)](#)).

If the ECO is unavailable to assist the deputy with the completion of the petition and with follow-up attempts to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to provide such assistance.

If the testing is ordered by the court, the results shall be made available to those persons authorized under [ORS 433.045\(4\)](#) and to the deputy, the physician designated by the deputy to receive the results, the Oregon Health Authority (OHA), the subject person and any physician designated by the subject person to receive the results ([ORS 433.085\(4\)](#)).

The health care professional should provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion should only contain the following information:

- If an HBV is indicated for the employee.
- If the employee received an HBV.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing of the person who was the source of the exposure is warranted, and, if so, what diseases should be included in testing.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

#### **1016.4.4 COUNSELING**

The Sheriff's Office will make counseling and consultation available to the exposed employee (and his/her family if necessary).

#### **1016.4.5 CONFIDENTIALITY OF REPORTS**

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

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The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1016.5 POST-EXPOSURE CONFIRMATION PROCEDURES**

Members who have been exposed to or contract a disease as a result of a duty-related event shall be treated according to existing health benefits, insurance coverage, and collective bargaining provisions. ([OAR 839-006-0200](#) and [ORS 659A.112](#)).

Members who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of the Office.

- (a) The Lincoln County Sheriff's Office shall make all decisions concerning the member's work status solely on the medical opinions and advice of the agency's health care officials.
- (b) The Lincoln County Sheriff's Office may require a member to be examined by the department health care officials to determine if he/she is able to perform his/her duties without hazard to him/herself or others.
- (c) All members of the Lincoln County Sheriff's Office agency shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

## **Smoking and Tobacco Use**

### **1018.1 PURPOSE AND SCOPE**

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Lincoln County Sheriff's Office facilities or vehicles.

### **1018.2 POLICY**

Although the County does not base employment decisions on the fact that an applicant or employee may smoke while off-duty, smoking and other use of tobacco products is not permitted inside Sheriff's Office facilities or any Sheriff's Office vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside Sheriff's Office facilities and vehicles.

Employees in uniform are also prohibited from smoking or using tobacco products while in public view, unless they are in a designated smoking area.

## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for reporting, investigation and disposition of complaints regarding the conduct of members and employees of this office.

This policy describes the safeguards that apply when an employee is under investigation concerning a matter that may lead to economic sanctions or dismissal from employment, and when that employee will be interviewed regarding the matter. The policy is meant to ensure that any disciplinary action taken against an employee only occurs with just cause.

#### 1020.1.1 DEFINITIONS

**Disciplinary action** - An action taken against an employee by the Lincoln County Sheriff's Office to punish the employee, including dismissal, demotion, suspension without pay, reduction in salary, written reprimand and transfer ([ORS 236.350 \(1\)](#)).

**Employee** - Any paid member of the Lincoln County Sheriff's Office with a property interest in his/her employment at the Lincoln County Sheriff's Office.

**Just cause** - A cause reasonably related to the employee's ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies ([ORS 236.350 \(2\)](#)).

**Personnel complaint** - Any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a supervisor and shall not be considered complaints.

This policy does not apply when a supervisor questions an employee in the normal course of an informal verbal admonishment or when the supervisor has other routine or unplanned contact with an employee. Nor does this policy apply to an investigation concerned solely with alleged criminal activities.

#### 1020.1.2 CLASSIFYING PERSONNEL COMPLAINTS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or when a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused employee or referred to the supervisors depending on the seriousness and complexity of the investigation.

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**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the supervisors, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### **1020.2 AVAILABILITY OF COMPLAINT FORMS AND ACCEPTANCE OF COMPLAINTS**

##### **1020.2.1 AVAILABILITY OF COMPLAINT FORMS**

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available on the Sheriff's Office website.

##### **1020.2.2 SOURCE OF COMPLAINTS**

- (a) A department employee who becomes aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action, should immediately document that complaint and submit it to his/her immediate supervisor.
- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

##### **1020.2.3 ACCEPTANCE OF COMPLAINTS**

A complaint may be filed in person, in writing, or by telephoning the Sheriff's Office. Although it is not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) A complaint need not be taken when the complainant is satisfied with the explanation, given by an uninvolved supervisor, of the policy or the procedures governing the incident and agrees that no further action is required.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable. Identifying information should be obtained and the person should be provided with a personnel complaint form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with the juvenile's parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

##### **1020.2.4 COMPLAINT DOCUMENTATION**

Formal complaints of alleged misconduct shall be documented by a supervisor. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor entry.

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the receiving supervisor should document the complaint based upon information received from the complainant. In an effort to ensure accuracy in any complaint, it is

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recommended that a recorded statement be obtained from the reporting party. However, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. In all cases, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original complaint.

#### **1020.3 SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, informal verbal admonishment or other routine or unplanned contact.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Division Commander or authorized designee may, however, direct that another supervisor investigate. That supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Division Commander and Sheriff are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that the complaint has been fully documented. The complaint will then be directed to the Division Commander of the accused employee, via the chain of command. The Division Commander will take appropriate action or forward the complaint to a supervisor for further action.
  - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  - 2. Photographs of any injuries alleged by the complainant, as well as accessible areas of non-injury, should be taken once immediate medical attention has been provided.
  - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Sheriff who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Personnel Department and the Division Commander for direction regarding the investigation and/or addressing the complaint.

#### **1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when the circumstances reasonably dictate an undue risk for the Sheriff's Office, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

##### **1020.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave may be subject to the following guidelines:

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- (a) The employee shall continue to receive regular pay and benefits, pending the imposition of any discipline.
- (b) An employee may be required by a supervisor to relinquish any badge, office identification, assigned weapon(s) and any other office equipment.
- (c) An employee may be ordered to refrain from taking any action as a employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation. The employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Sheriff.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

#### **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

When an employee of this office is accused of potential criminal conduct, a separate supervisor or detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall retain all of the rights and privileges afforded a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

#### **1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

Except as necessary to gain a general overview and sufficient facts of an incident to assess the necessity of an inquiry, or in order to obtain pertinent public safety information, a deputy shall not be required to answer questions until he/she has been told of the facts and the nature of the investigation in a manner that is reasonably sufficient to inform the deputy of the circumstances surrounding the allegations.

The following procedures and those set forth in ORS 236.360 shall be followed with regard to the accused employee(s):

- (a) Unless the seriousness of an investigation requires otherwise, interviews of accused employees shall be conducted when the employee is on-duty or during the employee's normal waking hours. If the interview is conducted while the employee is off-duty, the employee shall be appropriately compensated (ORS 236.360(2)(a)).
- (b) No more than two interviewers at a time may ask questions of an accused employee (ORS 236.360(2)(c)).
- (c) Interviews may not last an unreasonable amount of time, taking into consideration the gravity and complexity of the matter under investigation.

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- (d) The employee's physical needs shall be reasonably accommodated (ORS 236.360(2)(f)).
- (e) The interviewers shall inform the employee of their authority to compel a statement and of the identity of the investigators and all persons present during the interview (ORS 236.360 (2)(d)).
- (f) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. An employee being interviewed may not be threatened with punitive action. However, during a compelled interview solely for non-criminal purposes, an employee who refuses to respond to questions or refuses to be interviewed must be informed that refusal may lead to disciplinary action (ORS 236.360 (2)(h)). Nothing administratively ordered may be provided to a criminal investigator.
- (g) When practicable, the interviewer should record all interviews of employees and witnesses. An employee may record his/her own interview. If the employee has been previously interviewed, a copy of that recorded interview, written statement or transcript (if prepared) shall be provided to the employee prior to any subsequent interview (ORS 236.360 (2)(h)).
- (h) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively even if the employee was advised of these rights during any separate criminal investigation. Specifically, the employee must be informed of the right to consult with criminal defense counsel with respect to the criminal charge (ORS 236.360 (2)(j)).
- (i) All employees subjected to interviews that could result in punitive action may have a representative of the employee's choosing present at the interview (ORS 236.360 (2)(b)). However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) In a disciplinary or administrative investigation, the employee's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the employee to the representative for purposes of the representation (ORS 236.360 (2)(k)).
- (k) All employees shall provide complete and truthful responses to questions posed during interviews.
- (l) No employee may be compelled to submit to a polygraph examination nor shall any refusal to submit to such examination be mentioned in any investigation.

#### **1020.6.1 ADMINISTRATIVE SEARCHES**

Any employee may be compelled to disclose personal financial information pursuant to proper legal process, if such information tends to indicate a conflict of interest with official duties or if the employee is assigned to, or being considered for, a special assignment with a potential for bribes.

Employees shall have no expectation of privacy in or when using offices, desks, lockers, vehicles, telephones, computers, radios or other communications provided by the Department.

Assigned lockers, offices, desks, vehicles and storage spaces are the property of the employer and may be administratively searched by a supervisor for work-related purposes (e.g. obtaining a needed report or radio).



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All other non-assigned areas (shared desks, common office space, shared vehicles) may be administratively searched by a supervisor for non-investigative purposes.

An investigative search of such areas shall only be conducted with the approval of the Sheriff or authorized designee upon a reasonable suspicion that official misconduct is involved.

#### **1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT**

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary of allegations** - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence as to each allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### **1020.6.3 STEPS PRIOR TO DISCIPLINARY ACTION**

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

Disciplinary action may not be taken against any employee without just cause (ORS 236.360 (4)). The Sheriff shall ensure the following before any disciplinary action against an employee is taken:

- (a) Notification is made to the employee in writing of the charges against the employee and the proposed disciplinary action (ORS 236.360 (5)(a)).
- (b) The employee is given an opportunity to respond to the charges at an informal hearing, which may be recorded, that is attended by the person or persons having authority to impose the proposed disciplinary action (ORS 236.360 (5)(b)).

#### **1020.6.4 REOPENING AN INVESTIGATION**

An investigation may be reopened if significant new evidence is discovered that is likely to affect the outcome of the investigation, provided the evidence resulted from the employee's pre-disciplinary response and could not have been discovered without resorting to extraordinary measures (ORS 236.360 (7)).

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#### **1020.6.5 INAPPLICABILITY OF CERTAIN SAFEGUARDS**

The safeguards of an administrative investigation listed in Policy Manual § 1020.6 do not apply in the following instances (ORS 236.370):

- (a) Investigations related to acts or omissions made during a probationary period.
- (b) Where the terms of a collective bargaining agreement provide for the safeguards.
- (c) Where there are conflicting county civil service system rules.
- (d) Where there exists a county or municipal civil service system that provides certain employees with disciplinary action protections at least equivalent to those provided in this policy.
- (e) Where the investigation is of the:
  1. Chief executive officer of a law enforcement unit, as defined in ORS 181.610.
  2. Supervisory employees, as defined under ORS 243.650, where a collective bargaining agreement is in effect.
- (f) Where the employee is represented by a collective bargaining unit if the collective bargaining agreement provides for procedures and safeguards of the sort provided for in ORS 236.350 to 236.370.

#### **1020.7 DISPOSITION OF PERSONNEL COMPLAINTS**

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve Sheriff's Office personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**Policy issue** - When everything in the complaint is determined to be accurate, including the deputy's actions, but the issue appears to require a modification of policy the finding for the deputy should be exonerated. The need for potential policy modification shall be immediately directed to the Sheriff for action.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### **1020.8 COMPLETION OF INVESTIGATIONS**

The Division Commander shall ensure that investigations are completed and employees are provided notification of intended discipline no later than six months from the date of the first interview. The Sheriff or Division Commander may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the employer gives written notice explaining the reason for the extension to the employee and the employee's chosen representative and union representative, if any (ORS 236.360 (6)(a)).

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The above time limits do not apply when (ORS 236.360 (6)(b)):

- (a) The investigation involves A deputy who is incapacitated or unavailable.
- (b) The investigation involves an allegation of workers' compensation or disability fraud by the deputy.
- (c) The deputy, in writing, waives the limit.
- (d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.
- (e) The investigation involves more than one deputy and requires a reasonable extension of time.
- (f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.
- (g) The investigation involves a matter in civil litigation in which the deputy is a named defendant or the officer's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.
- (h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

Upon completion of an investigation, the report should be forwarded through the chain of command to the Sheriff and the involved employee's supervisor.

Once received, the Sheriff may accept or modify the classification and recommendation for disciplinary action contained in the report.

Any complaining party who is not satisfied with the findings of the Sheriff's Office may contact the Sheriff or Division Commander to discuss the matter further.

#### **1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such false representations are communicated to any media source, the Sheriff's Office may disclose sufficient information from the employee's personnel file to refute such false representations.

Disciplinary action resulting from sustained complaints shall be maintained in the employee's personnel file. Complaints, and any investigative reports shall be maintained by the Division Commander apart from the employee's personnel file.

#### **1020.8.2 ANNUAL REVIEW OF PERSONNEL COMPLAINTS**

During February of each year, the Division Commander or his/her designee shall provide to the Sheriff an annual report of personnel complaints from the preceding year. The report will focus on complaint trends as well as training needs and needed policy changes. A copy of the report shall be maintained with each year's completed complaint file. Specific detail, including items such as officer names, case numbers and location of occurrence, is not needed for this purpose and therefore will not be part of this process.

## Seat Belts

### **1022.1 PURPOSE AND SCOPE**

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in County vehicles.

### **1022.2 WEARING OF SAFETY RESTRAINTS**

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

#### **1022.2.1 TRANSPORTING CHILDREN**

A properly installed, approved child restraint system should be used for all children of an age, height or weight for which such restraints are required by law ([ORS 811.210](#)).

Children under the age of 13 should be transported in the rear seat. In the event that the appropriate restraints are unavailable, deputies should arrange for alternate transportation.

### **1022.3 TRANSPORTING PRISONERS**

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of seatbelts ([Oregon Revised Statutes 811.215](#) (6)). The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

### **1022.4 INOPERABLE SEAT BELTS**

No person shall operate a Sheriff's Office vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Sheriff.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1024.3 ISSUANCE OF BODY ARMOR

The supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Lincoln County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Patrol deputies and detectives are required to wear issued body armor when in uniform. Other deputies have the option to wear body armor, however, if the deputy is issued body armor they will wear it at all times they are on duty and in uniform.
  1. A supervisor may authorize a deputy to not wear their body armor when circumstances exist that it would jeopardize the deputy's safety.
    - (a) Deputies in uniform will have the vest immediately available at all times when it is not worn.
  2. A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (b) Deputies shall only wear agency-approved body armor.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) All members of the Sheriff's Office will wear body armor when participating in Sheriff's Office sanctioned firearms training.
- (e) The wearing of the protective vest is strongly encouraged, but not required for ceremonial purposes.

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#### **1024.3.2 INSPECTIONS OF BODY ARMOR**

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic inspections.

#### **1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR**

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### **1024.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

## Personnel Files

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel files in accordance with established law. It is the policy of this Sheriff's Office to maintain the confidentiality of personnel records pursuant to [Oregon Revised Statutes 192.502](#).

### 1026.2 PERSONNEL FILES DEFINED

Personnel files shall include any file maintained under an individual employee's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Department File** - That file which is maintained in the personnel office as a permanent record of an employee's employment with this sheriff's office.

**Division File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for convenience purpose and for completing timely performance evaluations.

**Supervisor Log Entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this sheriff's office.

**Training File** - Any file which documents the training records of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

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#### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

Certain information contained in personnel records is confidential and shall not be subject to disclosure except as provided by Policy Manual § 810, the provisions of the Oregon Public Records Law, or pursuant to lawful process ([Oregon Revised Statutes 181.854](#)).

#### **1026.5 REQUESTS FOR DISCLOSURE**

No requests for the disclosure of any information contained in any personnel record shall be considered received unless it is in written form. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Patrol Sergeant, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made ([Oregon Revised Statutes 181.854](#)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner and consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

#### **1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by Policy Manual 810 or pursuant to lawful process, no information contained in any peace officer personnel file shall be disclosed to any unauthorized employee or other person(s) without the expressed prior written consent of the involved deputy ([Oregon Revised Statutes 181.854\(4\)](#)).

If an investigation of a public safety employee of this department results from a complaint, the Department may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation ([Oregon Revised Statutes 181.854\(5\)](#)).

#### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

An employee or former employee may request to review his/her personnel file. The request should be made to the personnel director. The personnel director should ensure that the employee is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records per [ORS 652.750](#).

If an employee believes that any portion of the material is mistakenly or unlawfully placed in the employee's personnel record, the employee may submit a written request to the Sheriff that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Sheriff must respond within 30 days from the date the request is received. If the Sheriff chooses not to make any changes, the Sheriff shall ensure that a written response to the request is made. The Sheriff shall ensure that the request and response is placed in the employee's personnel record ([ORS 652.750 \(7\)](#)).



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#### **1026.7 TYPES OF PERSONNEL FILES**

##### **1026.7.1 DEPARTMENT FILE**

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.
- (b) Documents related to disciplinary action:
  - 1. Disciplinary action resulting from sustained complaints or observation of misconduct shall be maintained in the individual employee's Department file at least three (3) years. If the disciplinary action results in an employee's termination from this agency, the record of that action will be maintained for ten years after the separation in accordance with [OAR 166-200-0090\(6\)](#) and [OAR 166-150-0160\(6\)](#).
  - 2. Investigative files relating to complaints or discipline shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs File.
- (c) All documents related to employee performance, once the employee has had the opportunity to read and initial the document.
  - 1. No employee may place an adverse comment in the personnel records of an employee unless the employee has first read and signed the document containing the adverse comment. If an employee refuses to sign a document containing an adverse comment, the employer may place the document in the employee's personnel records with a notation that the document was presented to the employee and the employee refused to sign it [ORS 652.750](#) (6).
  - 2. An employee may write a response within 30 days of being presented with a document containing an adverse comment. If an employee writes a response to a document containing an adverse comment, the personnel director must ensure that the response is attached to the original document and placed in the employee's personnel records ([ORS 652.750](#) (6)).
- (d) Employee Personnel Records not related to discipline shall be retained for six years after separation ([Oregon Administrative Rules 166-150-0160\(7\)](#)).
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (g) A photograph of the employee.

##### **1026.7.2 DIVISION FILE**

The Division File is located in the Administrative Assistant's office and should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
  - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file

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2. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies shall be purged in accordance with this policy
- (b) Duplicate copies of items that will also be included in the employee's department file may be placed in this file in anticipation of completing any upcoming performance evaluation

All rules of confidentiality and disclosure shall apply equally to the division file.

#### **1026.7.3 INTERNAL AFFAIRS FILE**

The internal affairs file shall be maintained under the exclusive control of the Supervisors in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Supervisors. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

#### **1026.7.4 TRAINING FILES**

An individual training file shall be maintained by a supervisor for each employee. Training files will contain records of all training and education mandated by law or the Sheriff's Office, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the training supervisor or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The training supervisor shall ensure that copies of such training records are placed in the employee's training file.

#### **1026.7.5 MEDICAL FILE**

The Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

#### **1026.8 PURGING OF FILES**

Generally, personnel files must be maintained by the Office according to corresponding state Archives Division law. Investigations resulting in disciplinary action or exoneration must be retained for two years (counties) or for three years (cities) after resolution ([OAR 166-150-0135](#); [OAR 166-200-0090](#); [OAR 166-200-0100](#)).

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Unfounded investigation records and all related files not resulting in disciplinary action and having no pending litigation or other ongoing legal proceedings may be purged after being held for one year (counties) or three years (cities) ([OAR 166-150-0135](#); [OAR 166-200-0090](#); [OAR 166-200-0100](#)).

If the investigation resulted in termination, all related files must be retained for 10 years after separation ([OAR 166-200-0090](#); [OAR 166-200-0100](#); [OAR 166-150-0135](#)).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the required retention period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable required retention period, approval for such retention shall be obtained through the chain of command from the Sheriff.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the required retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

## **Telephone and Address Change**

### **1027.1 PURPOSE AND SCOPE**

It is the purpose of this policy for employees to notify the Sheriff's Office if their telephone number or address changes.

#### **1027.1.1 POLICY**

It is the policy of this office that employees notify their supervisor, division commander, and administrative assistant of any address or telephone number change within one day of the change.

### **1027.2 TELEPHONE REQUIREMENT**

Employees are required to have a telephone. Employees must answer their telephone. Employees will not use telephone answering machines, caller ID, or any other method to screen their calls in an attempt to prevent being contacted by a person from this office for any reason.

### **1027.3 RESIDENCY REQUIREMENT**

Employees are required to reside in Lincoln County within one year of employment.

The Sheriff may grant exceptions to the residency requirement based on an employee hardship.

## **Employee Commendations**

### **1030.1 PURPOSE AND SCOPE**

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

### **1030.2 WHO MAY MAKE COMMENDATIONS**

A written commendation may be made by any supervisor regarding any other employee of the Sheriff's Office, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating deputies may commend uniformed deputies for exceptional assistance in investigative functions, with approval from a supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

## Awards

### 1031.1 PURPOSE AND SCOPE

Exemplary performance and character of members that rise to a level above normal commendations will receive special recognition. This policy describes the different awards this Sheriff's Office will present to members who exhibit exemplary performance and the procedure for recommending an award.

### 1031.2 DEFINITIONS

**Medal of Valor** - The Medal of Valor is the most distinguished award presented to a member for an act of exemplary valor. The nominee must have demonstrated, in great degree, the qualities of selflessness, personal courage and devotion to duty. Factors for consideration of the nominee for this award include:

- (a) The act involved the preservation of human life.
- (b) The situation was extremely hazardous; the nominee evaluated the situation and took action, fully aware of the hazard.
- (c) When the nominee acted, a strong possibility of death or serious physical injury existed.
- (d) The nominee acted with good judgment, consistent with training, and within policy.
- (e) The objective justified the risk.

**Life Saving Award** - The Life Saving Award is an award presented to a member for saving the life of another person. Factors for consideration of the nominee for this award include:

- (a) The nominee understood the seriousness of the situation.
- (b) The nominee acted purposely.
- (c) The nominee did not carelessly create the situation causing the need for him or her to act.
- (d) More likely than not, the person would have died had the nominee not acted.
- (e) The nominee rescued a person from what would have otherwise become a life-threatening situation.

**Distinguished Service Award** - The Distinguished Service Medal is an award presented to a member who in the performance of his or her duties performs an act of outstanding or especially meritorious service while demonstrating selflessness, personal courage, and devotion to duty.

**Sheriff's Office Member of the Year** - The Sheriff's Office Member(s) of the Year is an award presented at the annual Law Enforcement Recognition Banquet to a member for outstanding performance during the year. Factors for consideration of the nominee for this award include:

- (a) The nominee displayed exemplary service to the citizens during the entire year.
- (b) The nominee truly understands the mission and goals of the Sheriff's Office and demonstrated it throughout the year.

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- (c) The nominee was a positive influence, displayed outstanding character, and was an example to all members.

**Citizen Awards** - The Sheriff's Office recognizes the need to acknowledge acts performed by citizens, which directly assist or aid law enforcement officers in the performance of their duties. Awards that may be presented to citizens include:

**Citizen Appreciation Award** - The Citizen Appreciation Award is an award and/or letter presented to a citizen for outstanding service to the Sheriff's Office or any Sheriff's Office member. Factors for consideration of this award include:

- (a) The service went above what is normally expected of a citizen.

**Citizen Medal of Valor** - The Citizen Medal of Valor is the most distinguished award presented to a citizen for an act of exemplary valor. The citizen must have demonstrated, in great degree, the qualities of selflessness and personal courage. Factors for consideration of the nominee for this award include:

- (a) The act involved the preservation of human life.
- (b) The situation was extremely hazardous; the nominee evaluated the situation and took action, fully aware of the hazard.
- (c) When the nominee acted, a strong possibility of death or serious physical injury existed.

### **1031.3 RULE**

- (a) The Sheriff will have the final decision for issuing awards.
- (b) Nominees for awards issued outside of this office will be presented up the chain of command to the Sheriff.
- (c) Members receiving award bars for their awards may wear them on their uniform centered above their nameplate. Only two Sheriff's Office approved recognition award bars will be worn at any given time.

### **1031.4 PROCEDURE**

#### **1031.4.1 THE PROCEDURE FOR THE MEDAL OF VALOR, LIFE SAVING AWARD, AND DISTINGUISHED SERVICE AWARD:**

- (a) Any member or citizen may nominate any Sheriff's Office employee for the Medal of Valor, Life Saving Award, or Distinguished Service Award.
- (b) The supervisor of the nominee will receive the nomination.
- (c) The supervisor will review the nomination and determine its accuracy.
- (d) If the supervisor agrees with the nomination and recommends the member for the award, the supervisor will provide the division commander with a written investigation of the incident.
- (e) The division commander will review the incident and will forward the complete investigation to the Sheriff with a written recommendation for further consideration, if he or she agrees with the supervisor's recommendation.
- (f) The Sheriff will make the final determination regarding justification for an award.
- (g) Recipients of these three awards will receive a citation, plaque, and an award bar.

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#### **1031.4.2 THE PROCEDURE FOR THE SHERIFF'S OFFICE MEMBER(S) OF THE YEAR (LERB) AWARD:**

- (a) Nominations accepted in March for Sheriff's Office Member of the Year.
  - 1. Nominations will be placed in the following categories:
    - (a) Enforcement Deputy of the year (including animal control)
    - (b) Corrections Deputy of the year
    - (c) Support staff employee of the year (this would include records, civil, warrants, receptionist, administrative, office specialist, cooks, medical, inmate counselor, and animal shelter staff)
    - (d) Volunteer of the year
- (b) The supervisor of the nominee will receive the nomination.
- (c) The supervisor will review the nomination and provide a written recommendation to the division commander.
- (d) The division commander will review the supervisor's recommendation and will forward the nomination to the Sheriff for further consideration with a written recommendation, if he or she agrees with the supervisor.
- (e) The Sheriff will make the final decision regarding the Sheriff's Office Member of the Year.
- (f) The Sheriff or his/her designee will present the award to the member at the annual Law Enforcement Recognition Banquet.

#### **1031.4.3 THE PROCEDURE FOR THE CITIZEN APPRECIATION AWARD AND THE CITIZEN MEDAL OF VALOR AWARD:**

- (a) Any member or citizen may nominate a citizen for an award.
- (b) A supervisor will receive and review the nomination and provide a written recommendation to the division commander.
- (c) The division commander will review the supervisor's recommendation and will forward the nomination to the Sheriff for further consideration with a written recommendation, if he or she agrees with the supervisor.
- (d) The Sheriff's Mounted Posse may be called upon to investigate the facts and nominate a citizen directly to the Sheriff.
- (e) The Sheriff will make the final determination regarding justification for an award.



## **Fitness for Duty**

### **1032.1 PURPOSE AND SCOPE**

The safety and well-being of employees and the citizens we serve, requires that all deputies be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this Sheriff's Office remain fit for duty and able to perform their job functions.

### **1032.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this Sheriff's Office to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
- (b) Each member of this Sheriff's Office shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the County has a good faith concern regarding an employee's ability to do so. The County also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.
- (f) All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the County.

### **1032.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

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#### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

#### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff or designee, may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Sheriff's Office with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties.
- (c) In order to facilitate the examination of any employee, the Sheriff's Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

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Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Conduct Policy.

## Physical Fitness/ORPAT

### 1033.1 PURPOSE AND SCOPE

Staying physically fit is imperative to a law enforcement officer's ability to perform the duties and responsibilities for which he or she is assigned. Being fit may save a life or reduce the chance of injury to the deputy or another person. Being fit will instill confidence in the deputy, their fellow officers' and the people they serve. Being fit enables a person to better know and understand their physical capabilities, and their physical limitations.

The purpose of this policy is to ensure that all deputies of this Sheriff's Office remain physically fit and able to perform their job functions.

#### 1033.1.1 POLICY

The goal of the Lincoln County Sheriff's Office is that all employees remain safe and healthy. Being fit mentally and physically is crucial to accomplishing those goals. This policy addresses physical fitness requirements and expectations of current and future Sheriff's Office deputies serving in certified positions. Reserve deputies with this office will be expected to meet the same physical fitness requirements and expectations as current certified deputies. All other Sheriff's Office employees, though not required, are encouraged to participate in any physical fitness training provided by this office.

It shall be the policy of this office that applicants for certified positions shall successfully pass a physical agility test offered by this office. The test and pre-employment standard used will be the Oregon Physical Abilities Test, hereinafter referred to as ORPAT.

ORPAT is a standardized testing procedure currently validated and in use by the Department of Public Safety Standards and Training (DPSST). The Lincoln County Sheriff's Office has adopted ORPAT as its pre-employment standard for all new hires, and for on-going training of its current certified deputies. The ORPAT course, equipment, and procedures used by this office, will closely replicate what is currently accepted and in use by DPSST. All ORPAT testing, training and documentation for Lincoln County employees will be done by trained ORPAT Instructors.

ORPAT is a multi-station obstacle course designed to simulate physical activities that may be encountered by law enforcement officers during the course of their normal duties. ORPAT is not gender or age specific. ORPAT will be used to determine if the person seeking employment with this office, as a certified deputy, has the level of physical fitness required to perform the duties and responsibilities of the job.

ORPAT testing will be mandatory for all Deputies hired after September 12, 2007 with the Lincoln County Sheriff's Office. The maximum time allowed for successful completion of the ORPAT course will be 5 minutes and 30 seconds for Patrol Deputies and 6 minutes and 30 seconds for Corrections Deputies. Once a deputy passes ORPAT and all other phases of training, that same deputy will then be required to successfully complete ORPAT at least once annually during the calendar year in 5 minutes and 30 seconds for Patrol Deputies and 6 minutes and 30 seconds for Corrections Deputies. Failure to complete ORPAT in the maximum time allowed, may result in termination of employment with the Sheriff's Office.

ORPAT training will be scheduled at least twice annually for all current certified deputies with the Lincoln County Sheriff's Office. There will be no maximum time limit for completion

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of ORPAT by current certified deputies. Scheduled training may be excused with supervisor approval. However, all certified deputies must complete ORPAT at least once annually.

#### **1033.1.2 EXCEPTIONS FOR COMPLETING ORPAT TRAINING OR TESTING INCLUDE**

- (a) An on-the-job injury or medical condition.
- (b) A temporary medical condition corroborated by a doctor.
- (c) Family Medical Leave (FMLA)
- (d) Excused by a supervisor. This could include vacation, training, detachments, or sick time off.

#### **1033.1.3 DEFINITIONS**

**Oregon Physical Abilities Test** - (ORPAT) is a physical ability assessment process designed to evaluate public safety candidates on the essential physical capacities required to satisfactorily perform job duties. There are nine base line physical activities included in the ORPAT.

Walking, Running, Jumping, Climbing, Vaulting, Lifting, Carrying, Pulling, Pushing

**Certified Staff** - Positions include Patrol Deputies and Corrections Deputies.

**ORPAT Testing** - ORPAT testing refers to the mandatory completion of ORPAT for certified deputies hired after the effective date of this policy. The maximum time allowed for successful completion of the ORPAT course will be 5 minutes and 30 seconds.

**ORPAT Training** - ORPAT training refers to the completion of ORPAT by certified deputies hired prior to the effective date of this policy. There is no maximum time limit for completion of ORPAT as training.

#### **1033.1.4 RULE**

The Lincoln County Sheriff's Office recruitment activities are conducted consistent with applicable Federal and State Laws, and DPSSST standards and as set forth in the County Equal Opportunity / Affirmative Action Policy. One screening process used to determine candidate suitability for all certified Sheriff's Office positions is the Oregon Physical Abilities Test, commonly referred to as ORPAT.

### **1033.2 PROCEDURE**

#### **1033.2.1 PATROL AND CORRECTIONS DEPUTY APPLICANTS**

- (a) Scheduling and Invitation to participate in ORPAT for applicants.
  - 1. Invited candidates will be invited for ORPAT testing.
  - 2. Each Division Commander will contact a Sheriff's Office ORPAT instructor about the need for ORPAT testing and schedule a date and time.
  - 3. The Division Commander will ensure that invited candidates are contacted regarding testing date, time, location, and other pertinent information.
  - 4. Applicants will receive an invitation for the ORPAT Testing, and notification that in order to participate in the testing they must be in good physical condition, free of any present injuries such as sprains (ankle, wrist, knees, back, etc.). If a candidate has an injury, they must inform the ORPAT instructor of such

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- injury(ies) or medical conditions. The ORPAT instructor will make notes of such injury(ies) and have FIRST AID or EMT personnel at the testing site, evaluate the injury(ies) to approve or disqualify the candidate from testing.
5. Candidates not able to participate in the ORPAT obstacle course due to injury or illness will be advised that they may re-apply for the position in the future.
  6. ORPAT instructor(s) will advise candidates that they must be in good physical condition in order to complete testing.
  7. ORPAT instructor(s) will ensure that each applicant:
    - (a) Reads the Explanation of the Physical Abilities Test.
    - (b) Reads the Possible Risk and Discomforts of the Physical Abilities Test.
    - (c) Reads and signs the Informed Consent, Waiver and Release Form.
    - (d) Is advised that he or she must inform the ORPAT instructor of any injury or medical condition that could impact their ability to safely complete the testing.
  8. The ORPAT instructor will make notes of any reported injuries and have medical or EMT personnel evaluate the injury to approve or disqualify the candidate from testing.

#### **1033.2.2 ORPAT TRAINING**

- (a) ORPAT training will be scheduled at least twice annually for all certified Corrections and Patrol Deputies.
  1. ORPAT training will be mandatory unless the deputy is excused by a supervisor for one of the conditions listed above.
- (b) ORPAT training requirements will be set in accordance with the annual training plan (policy 208.4).

#### **1033.2.3 ORPAT TESTING**

- (a) ORPAT testing will be scheduled at least twice annually for all certified Corrections and Patrol Deputies hired after the effective date of this policy.
  1. ORPAT testing will be mandatory unless the deputy is excused by a supervisor for one of the conditions listed above.
- (b) Successful ORPAT testing requires the completion of the ORPAT course in a maximum time of 5 minutes and 30 seconds for patrol deputies and 6 minutes and 30 seconds for corrections deputies.
  1. Deputies must successfully pass ORPAT at least once during the calendar year.
  2. If a deputy is unable to successfully pass ORPAT, they will be provided with additional training as approved by the Sheriff's Office.
  3. The deputy will be provided at least one more opportunity to pass ORPAT before the end of the year. This opportunity will be at least 30 days after the previous unsuccessful attempt.
  4. A deputy who is unable to pass ORPAT will be terminated from employment.
  5. Deputies who are excused from ORPAT testing for an on the job injury or medical condition, a medical condition corroborated by a physician, or on family medical leave (FMLA), and are unable to complete ORPAT during the calendar year will be provided a six month extension from the time they return to full duty.

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#### **1033.2.4 PUSH-PULL MACHINE**

It is the goal of the Lincoln County Sheriff's Office to provide members an opportunity to access and use the Push-Pull machine, as frequently as allowable within the guidelines and limitations set forth in this policy.

Certified Sheriff's Office ORPAT Instructors shall make initial assessments of members wishing to use the Push-Pull machine located in C-Pod of the jail. All members shall review methods and procedures for use of the machine with an ORPAT instructor prior to its first use. This will be a requirement for all members regardless of prior use or experience on the Push-Pull machine. This is to ensure that each member is aware of the correct standards, methods, and procedures in the use of the Push-Pull machine. Once an Instructor has approved a member as having been instructed in the correct use of the Push-Pull machine, further contact with an instructor is not required; however, instructors are available if needed.

The Push-Pull machine is only authorized for use by Sheriff's Office members. Use of the machine is voluntary and therefore no overtime compensation will be authorized during its use, unless approved by a supervisor. This should not restrict members from utilizing the machine while on-duty, as time allows, and as approved by a supervisor. Members will inform the on-duty supervisor in the Jail of their intention to enter C-Pod and use the Push-Pull machine. The on-duty supervisor will approve the request after confirming with Central Control that C-pod is not scheduled for training or some other use. Once authorized, members will obtain a portable radio. The radio requirement is to ensure that those in C-pod are aware of any facility lockdowns or emergency calls within the facility. Members are required to make appropriate annotations as listed on the document posted on the wall adjacent to the Push-Pull machine. The purpose is to track the Push-Pull machines' usefulness and accessibility to staff.

Each member is expected to clean the machine where handled after each use. Cleaning supplies are provided for this purpose.

## **Meal Periods and Breaks**

### **1034.1 PURPOSE AND SCOPE**

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Commission.

#### **1034.1.1 MEAL PERIODS**

Certified employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed deputies shall take their breaks within their assigned districts unless on assignment outside of the district. It is recommended that meal breaks be taken close to the middle of an employee's shift.

The time spent for the meal period shall not exceed the authorized time allowed.

#### **1034.1.2 15 MINUTE BREAKS**

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the facility shall remain in the facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field take their breaks away from their vehicles, they shall do so only with the knowledge of the dispatcher.



## Lactation Break Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

### 1035.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act ([29 USC § 207](#) and [ORS 653.077](#)).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk ([29 USC § 207](#)). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

Employees desiring to take a lactation break shall notify communications or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

### 1035.4 PRIVATE LOCATION

The Sheriff's Office will make reasonable efforts to provide lactating employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public ([29 USC § 207](#)).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

### 1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the office shall clearly label it as such and shall remove it when the employee ends her shift. Alternatively the Sheriff's Office will make reasonable provisions to provide a place for the employee to store her own cooler for the purpose of storing expressed milk.

## **Payroll Record Procedures**

### **1036.1 PURPOSE AND SCOPE**

Electronic time cards are submitted on a semimonthly basis for the payment of wages.

#### **1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS**

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

#### **1036.1.2 TIME REQUIREMENTS**

All employees are paid on on the 10th and 25th of each month with certain exceptions such as weekends and holidays.

## Overtime Compensation Requests

### **1038.1 PURPOSE AND SCOPE**

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee document the number of overtime hours worked and the reason for working the overtime electronically in Incode.

#### **1038.1.1 SHERIFF'S OFFICE POLICY**

Because of the nature of police work, and the specific needs of the Sheriff's Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Sheriff's Office.

Deputies will be granted overtime to complete an assignment involving an in-progress crime against persons or property, a motor vehicle crash resulting in injury or death, or requests to assist another officer. Supervisor approval is not required for these circumstances.

Overtime compensation will not be provided for animal complaints, noise complaints, cold property crimes, audible alarms, or crimes that are more than an hour old unless there is an identified suspect and there is reason to believe the suspect will return and/or continue to commit another crime, unless approved by a supervisor.

If you receive an assignment that does not meet the above criteria and will require overtime, you must contact a supervisor for authorization to work overtime.

An employee is not required to obtain prior authorization to work a scheduled holiday or when subpoenaed as a witness as a result of work performed by an employee of Lincoln County.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 120 hours of compensatory time.

### **1038.2 EMPLOYEE RESPONSIBILITY**

Employees will record the number of overtime hours worked on their electronic time card. Employees will indicate in the "narrative" section of the electronic time card the time worked and reason for working the overtime.

#### **1038.2.1 SUPERVISORS RESPONSIBILITY**

The supervisor shall verify that the overtime was worked before approving the electronic time card.

### **1038.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status in Incode. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid.

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#### **1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25 hour
16 to 30 minutes	.5 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

## **Travel Expenses**

### **1039.1 PURPOSE AND SCOPE**

It is the policy of this office to reimburse employees for the actual cost of travel expenses while on official business outside Lincoln County.

### **1039.2 TRAVELING OUTSIDE OF THE COUNTY**

- (a) When an employee's duties require travel outside the county, the county agrees to reimburse the reasonable cost of lodging and meals (excluding alcoholic beverages).
  - 1. The reasonable cost of lodging and meals is set by the county in the personnel rules.
  - 2. Lodging arrangements will generally be pre-arranged prior to the event with supervisor approval.
  - 3. On extended trips involving the purchase of breakfast, lunch and dinner, a daily aggregate rate will be reimbursed for all meals.
- (b) When an employee is authorized to utilize the employee's personal vehicle in the performance of official County duties, the employee shall be compensated at a rate of not less than the IRS rate per mile.
  - 1. Personal vehicle use will likely occur when a county vehicle is not assigned to, or is unavailable and must be approved by a supervisor.

### **1039.2.1 TRAVELING OUTSIDE OF THE STATE**

Any out of state travel must be approved in advanced by the Board of Commissioners.

### **1039.3 REQUEST FOR PAYMENT**

An employee will submit a "Personal Expense Request for Payment" form and submit it to their supervisor.

Original receipts will be taped to a blank sheet of paper and attached to the form.

### **1039.3.1 TRAVEL ADVANCES**

A travel advance may be obtained from the finance department for travel requiring more than \$100.00 of out of pocket expenses and does not include expenses for mileage reimbursement, registrations fees, or lodging expenses.

Travel advances will be included on the employee payroll check. Travel advances request must be made by the payroll cutoff day prior to the pay day before the travel date.

A full accounting and a return of any unspent money with a check payable to Lincoln County must be submitted within 14 calendar days of the employees return from the activity from which the travel advance was requested.

## Outside Employment

### 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Sheriff's Office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

#### 1040.1.1 DEFINITIONS

**Outside Employment** - Any member of this Sheriff's Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Sheriff's Office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Sheriff's Office for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this Sheriff's Office who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Sheriff's Office so that the Sheriff's Office may be reimbursed for the cost of wages and benefits.

### 1040.2 OBTAINING APPROVAL

No member of this Sheriff's Office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must make a written request to the Sheriff through the chain of command. The request will then be forwarded through channels to the Sheriff for consideration.

In order to be approved, the outside employment must:

- Have supervisory approval through the chain of command.
- Not detract from the efficiency of the employee in county duties.
- Not take precedent over the requirements to be recalled to duty.
- Not be a discredit to county employment.
- Does not involve personal advantage gained from the employee's position with the county.
- Agree that there will not be a conflict of interest.
- Be renewed annually.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

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#### **1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's request is denied or withdrawn by the Sheriff's Office, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

#### **1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permission may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this Sheriff's Office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment request. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment
- (b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment, an employee's conduct or outside employment conflicts with the provisions of Sheriff's Office policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a regular duty capacity due to an injury or other condition, any previously approved outside employment may be subjected to similar restrictions as those applicable to the employee's regular duties until the employee has returned to a full duty status

#### **1040.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Sheriff's Office expressly reserves the right to deny any Outside Employment request submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of Sheriff's Office time, facilities, equipment or supplies, the use of the Sheriff's Office badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Sheriff's Office for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Sheriff's Office
- (c) Involves the performance of an act in other than the employee's capacity as a member of this Sheriff's Office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Sheriff's Office
- (d) Involves time demands that would render performance of the employee's duties for this Sheriff's Office less efficient

#### **1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

No member of this Sheriff's Office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

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Any private organization, entity or individual seeking special services for security or traffic control from members of this Sheriff's Office must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Sheriff's Office.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  1. The deputy(s) shall wear the Sheriff's Office uniform/identification.
  2. The deputy(s) shall be subject to the rules and regulations of this Sheriff's Office.
  3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  5. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

#### **1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE**

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Sheriff's Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### **1040.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

#### **1040.4 SHERIFF'S OFFICE RESOURCES**

Employees are prohibited from using any Sheriff's Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Sheriff's Office or other agencies through the use of the employee's position with this Sheriff's Office.

#### **1040.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should report the change.



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#### **1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Sheriff's Office members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment, a notice of revocation of the outside employment will be forwarded to the involved employee.

Criteria for revoking the outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisers.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Lincoln County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the outside employment.

## Line Of Duty Death Or Serious Injury

### 1041.1 PURPOSE AND SCOPE

This policy establishes the procedures for responding to the serious injury or death of a member of the Lincoln County Sheriff's Office that occurs in the line of duty.

#### 1041.1.1 POLICY

In the event of a serious injury, illness or death of an employee, it is the policy of the Lincoln County Sheriff's Office to provide appropriate emotional care for the seriously injured, ill or deceased employee's family. If the incident involves a line of duty death of an employee, funeral arrangements are to be decided by the family of the employee with their wishes taking precedence over those of the agency.

Although this policy is intended to address the line-of-duty death or injury of a certified deputy, many provisions, including death notification and family assistance, may be applicable to any Sheriff's Office employee regardless of whether or not the death is duty related.

#### 1041.1.2 DEFINITIONS

**Line of Duty Death** - Any action, felonious or accidental, which claims the life of a Lincoln County Sheriff's Office employee who is performing work related functions either while on or off-duty.

**Line-of-Duty Injury or illness** - For the purposes of this policy a line-of-duty injury or illness shall be an injury or systemic illness serious enough that hospitalization or time away from the office is ordered by a physician for an indefinite period.

**Beneficiary** - Those designated by the employee as recipients of specific death benefits.

**Benefits** - Financial payments made to the family to assist with financial stability following the loss of a loved one.

**Funeral Payments** - Financial payments made to the surviving families of an employee killed in the line-of-duty which are specifically earmarked for funeral expenses.

**Survivors** - The immediate family members of the deceased employee.

**Supervisor** - A sworn law enforcement Deputy or officer with the rank of sergeant or above, or is the designated Deputy or officer in charge.

**Confidential Critical Information form** - A document completed by each employee to be used in the event of line of duty death or injury containing information to assist the Sheriff's Office In providing timely notification of family.

### 1041.2 APPOINTMENTS

- (a) In the event an employee is seriously injured or killed in the line of duty and is admitted to a hospital, a supervisor will appoint an employee to be the Emergency Department Liaison (EDL).

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### *Line Of Duty Death Or Serious Injury*

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- (b) In the event an employee is seriously injured or killed in the line of duty, a supervisor will appoint an employee as the Family Assistance Deputy (FAD). The FAD should be an employee of the office known and trusted by the family.
- (c) In the event of a line-of-duty death an employee will be appointed as the benefits liaison

#### **1041.2.1 CRITICAL INCIDENT INFORMATION FORM**

A Confidential Critical Incident Information form will be completed by every employee of this office. The form will be sealed and kept in the Administrative Assistant's office.

#### **1041.3 NOTIFICATION**

- (a) The name of the injured or deceased employee will be released by the Sheriff or his designee only after notification of the primary family members.
  - 1. The employee's name will never be released to the media before immediate survivors are notified.
- (b) The notification plan will be formulated using the most recent confidential critical incident information provided by the employee.
  - 1. If there is knowledge of a medical condition with a primary survivor, medical personnel will be dispatched to the residence to coincide with the notification along with the notifying personnel.
  - 2. Notification will always be made by two or more persons. The Sheriff, his/her representative, Chaplain, and/or pre-selected persons of the employee's choice will notify the family if time to assemble these persons exist. Delays in developing the appropriate notification team must be weighed against the importance of the timely notification of the primary family.
    - (a) If the above suggested persons are not readily accessible, notification shall be made by a supervisor on-duty. The opportunity to get the family to the hospital prior to the demise of the employee is significantly more important than who delivers the notification.
    - (b) If the family wishes to go to the hospital, they may be transported via Sheriff's Office vehicles. It is highly recommended the family not drive themselves to the hospital.
    - (c) If the primary survivors are not in close proximity to Lincoln County. A supervisor is permitted to assist in making transportation arrangements to Lincoln County, but may not assume responsibility for travel expenses without authorization of the Sheriff.
  - 3. As soon as most families see you approach, they will know something is wrong.
    - (a) Ask to come into the house. Do not make a notification on the doorstep.
    - (b) Gather everyone in the home and ask them to sit down.
    - (c) Inform them slowly and clearly of the information you have regarding the incident.
    - (d) It is important to use the employee's name during the notification.
  - 4. If the employee has already died, relay that information. Do not give the family a sense of false hope.

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### *Line Of Duty Death Or Serious Injury*

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5. Notifying personnel must be reassuring to the survivors. The most acceptable comment to newly bereaved people is something such as "I'm so sorry this has happened" and "The Sheriff's Office will do everything we can to help you through this".
6. If immediate survivors live outside the area, a supervisor will notify, by teletype or telephoning, the appropriate jurisdiction authority with details of the incident so they may give the personal notification.
7. If possible, the parents of the deceased or severely injured employee should also be afforded the courtesy of personal notification, as well as family support from the office.

#### **1041.4 ASSISTING THE FAMILY AT THE HOSPITAL**

- (a) An Emergency Department Liaison (EDL) will be appointed by the supervisor to act as information liaison for medical personnel to the family of the employee and fellow officers.
  1. It is recommended that the EDL be an employee who has a rapport with emergency department personnel and practices.
- (b) The duties of the EDL include, but are not limited to the following:
  1. The EDL will ensure the family is updated as soon as they arrive at the hospital;
  2. The EDL will insure that pertinent information on the employee's condition is relayed on a timely basis.
  3. The EDL shall advise fellow officers and family members of the hospital policy about visitation with the injured employee and/or visitation with the body following the demise.
  4. The EDL should prepare the family for what they might see and accompany them to the hospital emergency department.
  5. The EDL will be responsible for notifying the emergency admitting personnel that all medical bills relating to the care and treatment of the employee should be forwarded to the Sheriff's Office. Do not ask a family member to sign as guarantor of payment for treatment. Omit request for any insurance information.
- (c) If the injuries to the employee are likely fatal and it is possible for the family to visit the employee prior to death, they should be afforded the opportunity. There is definite need to touch and hold the body while there is still life, and being present when death occurs can be comforting to the family.

#### **1041.5 FAMILY ASSISTANCE DEPUTY**

The Family Assistance Deputy (FAD) will be appointed by the supervisor. The FAD should be an employee of the office known and trusted by the family. This is not a decision-making position, but is the role of the liaison between the surviving family and the Sheriff's Office. The FAD tends to the personal needs of the family. These duties may include:

- (a) Being constantly available to the family. The FAD is responsible for assisting the family to meet whatever immediate needs the family may have.
- (b) Assisting the Hospital Liaison, particularly ensuring proper billing arrangements have been made.
- (c) Assisting the family with immediate needs such as arranging necessary transportation; being available at the family home, if requested, to screen telephone

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calls; coordinate requests from the media for interviews; assist with arranging child care; assist with arranging lodging for incoming family and friends, etc.

- (d) Arranging for the family to meet with the funeral director.
- (e) The family will be provided with access to other public safety survivors or other support groups to include, but not limited to Concerns of Police Survivors, Survivors of Homicide Victims, Compassionate Friends, Parents of Murdered Children, etc.
- (f) Arranging with the Sheriff's Office or other law enforcement agency to provide periodic checks of the family home from the time of the incident until after the funeral.
- (g) Arrange for packing of personal belongings and delivery to the family.
- (h) Arrange for the return of Sheriff's Office owned equipment, uniforms, keys, etc.
- (i) Arrange for a meeting with the County Benefits Manager.

#### **1041.6 SUPPORT FOR THE FAMILY DURING A FUNERAL**

- (a) Unless initiated by the family, no discussion of funeral arrangements will occur until 24-hours have passed from the time of death.
- (b) A command level employee will be designated to handle the media throughout this traumatic ordeal. In the event the family should decide to grant an interview, this employee would attend and offer to screen all questions presented to the family to guard against jeopardizing upcoming legal proceedings.
- (c) An employee of this office will be assigned as the liaison for the family and the funeral director. Although the liaison should know the deceased employee and be aware of the family relationships, the liaison should not be so emotionally involved with the loss that he or she would become ineffective. The FAD may assume the role of the liaison. The duties of the liaison shall include, but not be limited to the following:
  - 1. Insure the needs of the family come before the wishes of the Sheriff's Office;
  - 2. Meet with the family and relate the duties of the liaison or allow the family to designate the person, if appropriate, they wish to perform the tasks;
  - 3. Meet with the family regarding funeral arrangements;
  - 4. The liaison will provide the family with a pager or cellular phone number to facilitate an immediate line of communication;
  - 5. The liaison should become familiar with all information concerning the death and the continuing investigation in order to answer family questions;
  - 6. The liaison will be constantly available to the family throughout this traumatic process;
  - 7. The liaison will ensure surviving parents or surrogate parents are afforded recognition and will have proper placement arranged for them during the funeral and funeral procession;
  - 8. If the funeral is a line-of-duty funeral, the liaison will ensure the family is briefed on the funeral procedure including the 21 gun salute, presenting the flag, playing of taps, etc. The family has the option of excluding any portion of the funeral procedure.
- (d) Sheriff's Office vehicles and drivers will be made available to the family if they desire transportation to and from the funeral home.

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#### **1041.6.1 SHERIFF'S OFFICE ROLE IN FUNERAL PLANNING**

- (a) An itinerary will be developed identifying the sites, initial traffic routes, and basic services as requested by the family.
- (b) Arrangements will be made to have the presence of an Honor Guard from another agency.
- (c) Assignments for organization of activities will be made by the division commander. A media release may be necessary to give preliminary information on funeral plans.
- (d) Prepare a memorandum from the Sheriff providing employees and participating parties with detailed information to include:
  - 1. Timetable for each component of the funeral;
  - 2. Key assignments;
  - 3. Affirmation of the uniform of the day;
  - 4. Traffic and parking instructions;
- (e) A walk through the day prior to the services with all participants is strongly suggested.
  - 1. The funeral home may supply an empty casket for practicing with the color/honor guard, pallbearers and other participants;
  - 2. Routes of entry and exit with the casket can be determined at this time;
  - 3. A raised stage for the speakers, some VIP seating and the podium should be arranged;
  - 4. The walk through should include determination of where the hearse/caisson will park, who will open/close doors, positioning of employees, marching with the color guard and the posting of colors, proper locations and times to salute, which directions to face, how items should be placed onto and removed from the casket, and a check of the sound system.
- (f) Post funeral debriefing
  - 1. A post funeral debriefing will occur and will be scheduled as soon after the funeral as reasonably possible.
  - 2. The purpose of the debriefing is to evaluate every aspect of procedures contained in the manual to determine what worked well and what needs to be improved.
  - 3. This policy may be revised depending upon recommendations received from this briefing.

#### **1041.6.2 TRAFFIC MANAGEMENT**

- (a) Traffic management includes victim transport, family transport, escorts, parking and processions. When a line-of-duty death occurs, there will be numerous traffic management issues immediately arise. When coupled with the emotion of the event, providing traffic management for the hundreds of people likely to attend the funeral, the plan makes it manageable.
  - 1. It is essential that a plan be developed that will provide clear direction to all involved.
  - 2. The plan should be divided into the critical elements that when properly organized will minimize confusion and maximize success.
  - 3. These elements are escorts, parking, and processions.

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#### (b) Escorts

1. Motor escorts may be necessary for the safe, unimpeded travel of vehicles.
2. In any motor escort scenario, the intended route needs to be planned prior to escort.

#### (c) Parking

1. It will be necessary to develop multiple parking plans for each venue.
2. It is essential that the vehicles be "grouped" to expedite the transition from the parking to the procession, and then back to parking.
3. Groupings may include: family, Sheriff's Office employees, VIP's, outside agencies, and general public.
4. Parking plans will be entirely dependent upon the site.
5. The office may elect to arrive at the funeral in a procession. A parking plan should be utilized to ensure that the procession will flow smoothly from the parking location, into the procession, and then back to parking.
6. The parking plan at the funeral location is critical to the smooth transition into the procession. Vehicles should be grouped in a manner that will allow the procession to be "built" per the plan.
7. The parking plan for the cemetery may be the most challenging as there is generally limited parking. Care must be taken to avoid gridlock that could extend several miles and cause lengthy delays. It will always be necessary to develop a site plan based upon prior visits to the cemetery.

#### (d) Processions

1. There may be a need for several processions to occur.
2. These processions will be built from the parking lot(s) according to a predetermined order by a supervisor.
3. A control point must be established for each vehicle group so the vehicles can be directed into the assigned place by the procession.
4. Employees staffing these control points must be well versed on the plan so they can cooperatively build the procession.
5. The following individuals should be part of a small procession that precedes the main funeral procession:
  - Honor guard supervisor
  - Funeral home flower vehicles
  - Any ushers to be used at the graveside.
6. The funeral procession should be arranged in the following order;
  - Motorcycle escorts (if available)
  - Lead police vehicle
  - Chaplain/family clergy
  - Pallbearers/honor guard
  - Funeral coach
  - Family limo
  - Family cars

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- Policy vehicles
- Other vehicles
- Rear escorts

#### **1041.7 SPECIAL PLANS AND CONSIDERATIONS DURING TRIAL**

- (a) Trials that occur months or even longer after the death of a deputy can bring back memories of the loss and renew the psychological trauma of that day. Trials, lasting weeks and even months, will require the Sheriff's Office to care for the victim's family and employees of the office.
- (b) Prior to the trial, the family and Sheriff's Office must be kept advised and must be educated as to the coming proceedings.
  1. As soon as a suspect in the death of an employee is identified the family should be linked with available Victim Witness Assistance services. Families need to be kept informed as to the court proceedings and trial dates.
  2. The family must be fully briefed regarding the proceedings and details of the death not heretofore known to them prior to the trial to prevent them from learning these details during the trial. The family should not be surprised by anything they hear in the trial.

#### **1041.8 SURVIVOR'S BENEFITS INFORMATION**

- (a) After a line of duty death occurs, an employee should be appointed as the benefits liaison.
- (b) The benefits liaison should call the Public Safety Officer's Benefits (PSOB) office at 1-888-744-6513 and leave the following information:
  1. The name and address of the agency.
  2. The liaison's name and title.
  3. Phone numbers for the department and liaison.
  4. The liaison's e-mail address so the PSOB Office can send the claim initiation packet.
  5. The name and title of the deceased public safety officer.
  6. The date of the incident and the deceased's date of death.
  7. The cause of death and a brief description of the incident.
- (c) Relay the information very carefully and include only what is known. If the cause of death is unknown, there should be no speculation.
- (d) Leave a phone message with the liaison's name and telephone number if calling during the evening or on a weekend.
- (e) After being informed of an incident by the department liaison or other sources, the PSOB Office will e-mail a claim initiation packet to the department liaison. After receiving the claim initiation packet, the liaison should:
  1. Meet with the claimant as soon as possible to complete the [Claim for Death Benefits](#) and [Report of Public Safety Officer's Death](#) forms.
  2. Ensure that the family provides a copy of the death notice.
  3. Gather the other documentation requested in the claim initiation packet.



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- (f) The PSOB Office works closely with Concerns of Police Survivors (COPS) and the National Fallen Firefighters Foundation (NFFF), both of which provide an array of support services that may be helpful to the survivors immediately after a line-of-duty death. When the [Consent To Release Confidential Information](#) form is signed by the claimant and returned with the other requested documents, the PSOB Office will forward the claimant's name and address to the appropriate partner agency so that contact may be initiated.
- (g) A checklist for filing a PSOB death claim can be found here: <http://www.ojp.usdoj.gov/BJA/grant/psob/PSOBChecklist.pdf>
- (h) Once the processing is completed, the PSOB Office will send a letter notifying the claimant and department of the decision reached. Should the claim be denied, information on the appeals process also will be provided.
- (i) For more information on line-of-duty death benefits, please see the following appendixes:
  - 1. [Line-of-Duty Death Benefits](#) (federal)
  - 2. [State of Oregon Death Benefits](#)
  - 3. [Lincoln County Death Benefits Summary](#)

## On Duty Injuries

### 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting the occurrence of on-duty injuries, occupational illnesses, or deaths to Risk Management, to ensure proper medical attention is received, and to ensure documentation of the circumstances of the incident.

### 1042.2 WORKER'S COMPENSATION FUND REPORTS

#### 1042.2.1 REPORTING OF INJURIES

All injuries and exposures to hazardous materials must be reported to a supervisor as soon as possible, but no later than 24 hours from the time the employee becomes aware of the injury, not including days off.

If an injury or exposure does not require treatment by a doctor or medical facility, and does not result in time loss, it shall be recorded on the "Supervisor's Incident Form" at the earliest opportunity.

Injuries requiring medical treatment or resulting in time off, shall be reported to a supervisor as soon as the employee becomes aware of the injury. Supervisors will ensure a state "Report of Job Injury or Illness" form 801 is completed and signed by the employee.

Injuries requiring overnight or longer hospitalization must be reported to the Oregon Occupational Safety and Health Administration (OR-OSHA) within 24 hours by calling 1-800-922-2689. Fatalities must be reported within eight hours (Oregon Administrative Rules 437-001-0700(21)).

The Administrative Assistant shall report the claim to the City's insurer no later than five days after notice or knowledge of any claim or accident which may result in a compensable injury (Oregon Administrative Rules 436-060-0010(3)).

#### 1042.2.2 ACCIDENT DEFINED

**Accident** - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

#### 1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to

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periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related injury or illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

#### **1042.2.4 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

For work-related accidents, illness or injuries not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, illness or injury is reported initially on the "Supervisor's Report of Injury" form and the employee subsequently requires professional medical care, the State of Oregon report of job injury or illness form 801 shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with a "report of job illness or injury" form 801, immediately upon request of the worker ([OAR 436-060-0010](#) (1)).

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

#### **1042.2.5 DIVISION COMMANDER RESPONSIBILITY**

The Division Commander receiving a report of a work-related accident or injury or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff.

#### **1042.2.6 SHERIFF RESPONSIBILITY**

The Sheriff shall review and forward copies of the report to the Personnel Department. Any copies of the report and any related documents retained by the Sheriff's Office shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual 1026).

#### **1042.3 INJURY OR ILLNESS NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

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This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

#### **1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County, and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed:

##### **1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

##### **1042.4.2 NO SETTLEMENT WITHOUT PRIOR NOTICE**

No less than 10 days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Sheriff. The purpose of such notice to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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## **Personal Appearance - Certified Employees**

### **1043.1 PURPOSE AND SCOPE**

This policy establishes standards of personal appearance for DPSST certified employees.

#### **1043.1.1 POLICY**

Uniformity of dress and personal appearance is essential in maintaining public respect for the Sheriff's Office and in achieving efficiency, discipline, and self-confidence of uniformed employees. These regulations apply to all certified employees, in and out of the uniform, while on duty. This includes attendance at hearings, trials, and grand juries, unless requested otherwise by the District Attorney or Judge. This also includes attendance to all training functions.

#### **1043.1.2 DEFINITIONS**

**Dental Art** - Gem stones, unnaturally colored or shaped teeth, and other ornamentation that is temporary or permanently affixed to the teeth for the purposes of decoration or adornment.

**Tattoo** - Any scar, branding, mar or other permanent or long-lasting body art or modification deliberately placed on the body for purposes of decoration, ornament, or adornment.

### **1043.2 APPEARANCE STANDARDS**

#### **(a) Males**

1. Hair shall be neatly trimmed, may be either tapered or blocked at the back of the neck, and shall not extend below the collar or extend out beyond the ears.
2. Certified employees shall be clean-shaven. A mustache is permissible, but shall be neatly trimmed and shall not extend below the corners of the mouth.
3. Sideburns shall be neatly trimmed, and shall not extend below the external opening of the ear.
4. Jewelry, in addition to a wristwatch, shall be limited to no more than two conservative rings, worn on separate fingers, and a medical purpose bracelet. Earrings are prohibited.
5. Wristbands are prohibited.

#### **(b) Females**

1. Hair shall be combed and neatly trimmed. Any hair-restraining device worn shall be inconspicuous and blend with the hair color. Dyed, tinted, or bleached hair should present a professional business-like appearance. Wigs, if worn, must conform to the above regulation.
2. Jewelry, in addition to a wristwatch, shall be limited to not more than two conservative rings, worn on separate fingers, a medical purpose bracelet and earrings (only two for each ear) which shall be small of size and shall not extend below the ear lobe. Wristbands are prohibited.
3. Cosmetics may be used, but must blend with the natural coloring and be neutral or natural in color. This applies to facial, lip, and fingernail cosmetics.

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Additionally, muted tones of color are acceptable for lip and fingernail cosmetics that are considered acceptable in a professional business office environment.

4. Wristbands are prohibited.

#### **1043.2.1 BODY ART AND MODIFICATIONS**

##### (a) Tattoos (employees hired prior to August 26, 2009)

1. When representing the Sheriff's Office at a public event or other ceremony, every reasonable effort should be made to conceal tattoos or other body art.
2. Visible tattoos are not permitted on the neck, face, head, or hands.
  - (a) Hands are considered to be the area below the wrist bone. The neck, face and head area is considered to be the area above the clavicle.
3. Tattoos depicting racist, indecent, extremist, lawless or offensive themes are not permitted.
  - (a) A tattoo is considered "offensive" if it depicts, describes or otherwise refers to sexual context, acts, organs or preferences; if it depicts, describes or refers to intolerance of or discrimination against any race, color, creed, religion, gender, national origin, ethnicity or it is commonly associated with any organization or group which advocate such intolerance or discrimination; or it brings discredit upon the agency or violates common standards of decency or morality.
4. Visible tattoos shall not be of a style, size, color or location that diminishes professional appearance or reflects poorly on the law enforcement profession or the agency.

##### (b) Tattoos (employees hired August 26, 2009 or later)

1. While on-duty or representing the Sheriff's Office in any official capacity, no visible tattoos or body art will be permitted.

##### (c) Visible dental art is not permitted while on duty.

##### (d) Employees may wear contact lenses of a natural eye color.

1. Red, orange, silver and other unnaturally colored contact lenses or colors that create an unnatural eye color or graphic design are not permitted.

##### (e) The Sheriff or a designee may allow exceptions to this policy.

1. The Sheriff must approve any exceptions to this policy in writing with copies maintained in the employee's personnel file.

#### **1043.3 DRESS STANDARDS**

##### (a) Uniformed deputies will adhere to the requirements of Policy Manual §1047, Uniform Equipment.

##### (b) Non-uniform

1. Male employees will wear suits, or sport coat and slacks, shirt and tie, with conservative belt and buckle at all times.
2. Female employees will be expected to dress in a conservative style and manner commensurate of male employees.

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3. All employees shall ensure their firearm is concealed when wearing civilian attire, except when in the immediate work site or when riding in a vehicle.
  4. Certified employees working in civilian attire will have the following equipment:
    - (a) A firearm carried on the strong side in an approved black leather holster;
    - (b) At least one extra magazine in an approved leather carrier;
    - (c) At least one pair of handcuffs in an approved leather carrier;
    - (d) A badge displayed on the belt immediately forward of the firearm.
- (c) Training
1. Appropriate attire will be worn for the specific training being attended. Shorts and tank tops are never appropriate or permitted.
    - (a) Firearm/Defensive Tactics Appropriate clothing for the existing circumstances/weather conditions is permitted.
    - (b) Classroom All members attending training while on-duty will be in uniform.
      1. While attending training during shift hours, the uniform normally worn during that shift is permitted.
      2. While attending training on overtime, the regulation uniform will normally be required.
      3. Ball caps and other head wear or headgear are not permitted while attending training, unless required by the instructor.
  - (c) Division Commanders may authorize members to wear professional business or casual business attire in lieu of the uniform.

#### **1043.4 EXCEPTIONS**

- (a) Exceptions to §1043.2 may be approved by the Division Commander for special assignment.
- (b) Exceptions to §1043.3 (a) & (b) may be approved by the Sergeant for special assignment or occasions and for severe or unusual weather conditions.
- (c) All other exceptions will be submitted by memorandum and must be approved by the Division Commander.
- (d) Appearance and clothing should always be neat and clean.

## **Personal Appearance - Non-Certified Employees**

### **1045.1 PURPOSE AND SCOPE**

This policy establishes the standards for personal appearance for non-certified employees.

#### **1045.1.1 POLICY**

It is the policy of the Lincoln County Sheriff's Office that all employees will project a public image of professionalism and pride.

### **1045.2 STANDARDS**

- (a) Clothing and hairstyles, which create safety hazards, are prohibited.
- (b) Training - Appropriate attire will be worn for the specific training attended. Shorts and tank tops are inappropriate and not permitted.
  - 1. Uniform Personnel
    - (a) Defensive Tactics
      - 1. Wearing of the uniform is optional for animal control personnel. Appropriate clothing for this training is recommended.
      - 2. The support staff uniform will not be worn. Appropriate clothing for this training is recommended.
    - (b) Classroom - All members attending training while on-duty will be in uniform.
      - 1. While attending training during shift hours, the uniform normally worn during that shift is permitted.
      - 2. While attending training on overtime, the regulation uniform will normally be required to be worn.
  - 2. Non-uniform Personnel - Professional business or casual business attire will be worn.
  - 3. Division Commanders may authorize members to wear professional business or casual business attire in lieu of the uniform.

#### **1045.2.1 BODY ART MODIFICATIONS**

- (a) Tattoos (employees hired prior to August 26, 2009)
  - 1. When representing the Sheriff's Office at a public event or other ceremony, every reasonable effort should be made to conceal tattoos or other body art.
  - 2. Visible tattoos are not permitted on the neck, face, head, or hands.
    - (a) Hands are considered to be the area below the wrist bone. The neck, face and head area is considered to be the area above the clavicle.
  - 3. Tattoos depicting racist, indecent, extremist, lawless or offensive themes are not permitted.



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- (a) A tattoo is considered "offensive" if it depicts, describes or otherwise refers to sexual context, acts, organs or preferences; if it depicts, describes or refers to intolerance of or discrimination against any race, color, creed, religion, gender, national origin, ethnicity or it is commonly associated with any organization or group which advocate such intolerance or discrimination; or it brings discredit upon the agency or violates common standards of decency or morality.
- 4. Visible tattoos shall not be of a style, size, color or location that diminishes professional appearance or reflects poorly on the law enforcement profession or the agency.
- (b) Tattoos (employees hired August 26, 2009 or later)
  - 1. While on-duty or representing the Sheriff's Office in any official capacity, no visible tattoos or body art will be permitted.
- (c) Visible dental art is not permitted while on duty.
- (d) Employees may wear contact lenses of a natural eye color.
  - 1. Red, orange, silver and other unnaturally colored contact lenses or colors that create an unnatural eye color or graphic design are not permitted.
- (e) The Sheriff or a designee may allow exceptions to this policy.
  - 1. The Sheriff must approve any exceptions to this policy in writing with copies maintained in the employee's personnel file.

### **1045.3 PROCEDURES**

- (a) Personal appearance directly affects the public image of the agency and county government in general. Appearance and clothing should always be neat and clean.
- (b) When the issued uniform is unsuited for the tasks being performed, Animal Shelter personnel will wear appropriate clothing as authorized by the Shelter Manager and the Sheriff.
- (c) Males
  - 1. Jewelry, in addition to a wristwatch, shall be limited to no more than two conservative rings, worn on separate fingers, and a medical purpose bracelet. Wristbands and earrings are prohibited.
- (d) Females
  - 1. Jewelry, in addition to a wristwatch, shall be limited to not more than two conservative rings, worn on separate fingers, a bracelet, a medical purpose bracelet, a necklace (only one exposed around the neck not over the blouse) and earrings (only two for each ear), which shall be small to medium of size. Wristbands are prohibited.
  - 2. Cosmetics must blend with the natural coloring and be neutral or natural in color. This applies to facial, lip, and fingernail cosmetics. Additionally, tones of color are acceptable for lip and fingernail cosmetics that are considered acceptable in a professional business office environment.
- (e) Acceptable Clothing
  - 1. Acceptable clothing will be the support staff uniform.

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### *Personal Appearance - Non-Certified Employees*

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- (f) Personal Grooming
  1. Proper personal hygiene is required.
  2. Hair, beards, mustaches, and sideburns must be clean and neatly groomed. Any hair-restraining device worn shall be inconspicuous and blend with the hair color. Dyed, tinted, or bleached hair should present a professional business-like appearance. Wigs, if worn, must conform to the above regulation.
- (g) Uniforms
  1. Non-certified employees who are provided a uniform are expected to present an appearance that is consistent with the Sheriff's Office image. Working attire shall be maintained and worn in a neat and clean manner consistent with duties performed.
- (h) Exceptions
  1. There may be unique or reasonable circumstances for exceptions to this policy. Special projects or working conditions may give cause for relaxed dress standards, subject to the approval of a supervisor.

#### **1045.3.1 SUPPORT STAFF UNIFORM**

The wearing of the support staff uniform is mandatory for support staff members who are not issued a uniform as described in policy 1047.

- (a) Members wearing the support staff uniform will be issued the following:
  1. Black Blazer (optional)
  2. Black Dress Jacket
  3. Black Vest-Short (optional)
  4. Black Vest-Long (optional)
  5. Black Pants
  6. Black Skirt (optional)
  7. Blouse-various colors, long sleeved and 3/4 sleeve
  8. Sweater-various colors (optional)
  9. Nameplate (silver color for line staff and gold colored for supervisors)
- (b) The support staff uniform will conform to the following standards:
  1. Length of the skirt shall be at the kneecap or below.
  2. The shirt will always be worn. No more than two buttons will be unbuttoned. The shirt will be tucked in unless the jacket or long vest is worn. The shirt will not be exposed below the jacket or vest.
  3. The nameplate shall be visible at all times and is to be worn on the upper right side of the outer garment. Nameplates will be replaced when scratches, fading or the lettering in the name detracts from the professional appearance.
  4. Socks or hosiery shall be worn at all times, skin toned or solid black in color.
  5. Shoes or boots, black in color and closed toe. Boots may only be worn with the pants.
  6. A belt (black in color) will be worn with the pants.

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### *Personal Appearance - Non-Certified Employees*

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- (c) The support staff uniform shall be kept clean, pressed, and tailored to fit well. The manufacturer's recommendation for cleaning will be followed.
- (d) All items of non-issue apparel (such as shoes, socks, and hosiery) worn while on duty shall be in good condition.
  - 1. If worn, under shirts will be black in color, visible only at the unbuttoned collar, and maintained in a presentable condition. Under shirts must be approved by a supervisor prior to wearing.
- (e) All employees should practice common sense rules of neatness, good taste and comfort. The Sheriff or his/her designee reserves the right to determine appropriate dress at all times and in all circumstances. Employees may be sent home to change clothes should the Sheriff or his/her designee determine their dress is not appropriate.
- (f) Replacement uniforms will be provided as needed by submitting a request to the employee's supervisor.

## Uniform Equipment

### 1047.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office uniform is distinctive and provides a professional image and air of authority and confidence when worn properly. This chapter discusses the equipment and uniform items authorized by the Sheriff, and outlines how they shall be worn and maintained.

#### 1047.1.1 POLICY

The uniform policy of the Lincoln County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of the Sheriff's Office uniforms. Employees should also refer to the following associated Policy Manual sections.

Section 700 - Sheriff's Office Owned and Personal Property

Section 500.5 - Body Armor

Sections 1043 & 1045 - Personal Appearance

The wearing of civilian clothing while on duty will not be permitted except by specific permission or instructions from an immediate supervisor, having due regard to operational needs (refer to current LCDA contract). Repairs or replacements are authorized. However, caution must be exercised to prevent abuse as outlined in Policy Manual §700.

The policy, rules and procedures listed are comprehensive, but not inclusive. Any item not mentioned, if permitted, will be maintained and worn within the intent and spirit demanded by professional appearance.

### 1047.2 GENERAL RULES

- (a) Evaluation of employees will include their adherence to this Chapter and other applicable chapters.
- (b) Written authorization from the Division Commander is required to purchase or wear any clothing or uniform equipment not in the Sheriff's Office manual.
- (c) Each employee is issued the clothing and uniform equipment detailed in [Attachment A](#). Members shall not exceed their allotment, except as otherwise provided.

#### 1047.2.1 POLITICAL ACTIVITIES, ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Lincoln County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or identify himself/herself as an employee of the Lincoln County Sheriff's Office to:

- Endorse, support, oppose, or contradict any political campaign or initiative.
- Endorse, support, oppose, or contradict any social issue, cause, or religion.
- Endorse, support, or oppose, any product, service, company or other commercial entity. Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

# Lincoln County Sheriff's Office

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### *Uniform Equipment*

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#### **1047.3 UNIFORM DEFINITIONS**

To distinguish between the various authorized uniforms and their functions, the following definitions are provided.

The Sheriff may approve other uniforms, equipment, or accessories needed for special or unique circumstances (e.g. SERT, marine, forest, jail, bicycle, reserves, posse, animal control/shelter).

##### **1047.3.1 CLASS A UNIFORM**

Worn on occasions when complete uniformity and/or enhanced professional appearance is warranted. Funerals, formal ceremonies and presentations are examples when the Class A Uniform is appropriate, and/or when directed by a Division Commander or the Sheriff.

(a) The Class A Uniform is comprised of:

- Felt campaign hat
- Long sleeve shirt and tie
- Tie tack (issued)
- Ike Jacket
- Uniform slacks
- Black footwear
- Clear plastic rain hat cover, if appropriate
- Gun belt to include only holster and weapon, one handcuff case, and four single belt keepers
- Gun will be on the strong-hand side.

(b) For clarification, the following is applicable to the Class A Uniform:

1. The Class A Uniform may be worn at anytime, but must be worn at formal ceremonies when directed by an appropriate supervisor.
2. If a deputy elects to wear a Class A Uniform at all times other than when it is required, the full complement of gun belt equipment will be worn and the wearing of the protective vest is mandatory.
3. The straw campaign hat may be worn in lieu of the felt campaign hat during normal duty wear.

##### **1047.3.2 REGULATION UNIFORM**

The Regulation Uniform is the normal Lincoln County Sheriff's Office work uniform. This uniform, when worn properly, projects a professional appearance while providing practicality and flexibility for working under a variety of conditions/circumstances.

(a) The Regulation Uniform is comprised of:

- Straw or felt campaign hat\*
- Long sleeve shirt with tie or authorized turtleneck
- Short sleeve shirt (tie is required when Ike jacket is worn).
- Uniform slacks
- Polished shoes or boots (boots can be oil finished)
- Raincoat and pants

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### *Uniform Equipment*

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- Regulation jacket
- Gun belt with gun on strong-hand side and equipment listed in policy 1047.4 (h)

\*The baseball style hat may be worn with the regulation jacket hood during inclement weather consisting of high winds with heavy rain and during high-risk tactical circumstances where the campaign hat may compromise the deputy's safety. The baseball style hat does not portray a professional image and should not be worn while making contacts with the public.

#### **1047.3.3 UTILITY UNIFORM**

Supplied to employees when work assignments or conditions are such that wearing the Regulation Uniform or civilian clothing is impractical, or not authorized by a supervisor. The Regulation Uniform will be worn when in attendance at jury trials, training, and on other occasions when a Utility Uniform is inappropriate.

- (a) The Utility Uniform consists of:
- Baseball style hat
  - Long or short sleeve shirt
  - BDUs
  - Regulation jacket
  - Polished shoes or boots (boots can be oil finished)
- (b) Except for Correction, Marine, Forest, and Animal Services Deputies, the Utility Uniform will be issued to employees on an as-needed basis, and then only with the recommendation of an immediate supervisor, and with approval by the respective Division Commander.
- (c) The Utility Uniform will be worn with the issued basket weave belt and appropriate footwear. The standard footwear will be black except as authorized by the supervisor, and may be either polished or oil finished.
- (d) Insignia of rank will be worn on the left sleeve, and badge and nameplate displayed as required by regulation.
- (e) Regulation gun belt will be worn with the Utility Uniform.
- (f) Other clothing, equipment or items may be worn or carried as directed or authorized by an immediate supervisor and/or Division Commander to address specialized assignments or needs.
- (g) Upon supervisory approval, the Utility Uniform may be worn with only a holster and weapon, provided the mandatory equipment worn on the uniform gun belt is readily available in the event it is needed.
- (h) The Utility Uniform will be kept clean and pressed with creases distinct. Leather will be kept clean and polished.
- (i) The Sheriff may approve other uniforms, equipment, or accessories needed for special or unique circumstances (e.g. SERT, marine, forest, jail, bicycle, reserves, posse, animal control/shelter).

#### **1047.4 PLACEMENT, CARE AND MAINTENANCE**

- (a) Accessories

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1. With supervisory approval, accessories that serve a functional purpose are permitted providing they maintain the dignified, professional and conservative appearance the Sheriff's Office demands.
  2. Following are examples of the Sheriff's Office standards:
    - (a) Gloves are authorized for duty wear for Patrol and Civil deputies only black and full fingered
      1. Gloves with logos are not permitted
      2. Gloves should only be worn during intemperate weather or searches.
    - (b) Sunglasses military style or dark frame are acceptable. Mirrored or multi-colored lenses, frames and/or straps are not acceptable. The hanging of sunglasses from a strap about the neck is also unacceptable.
- (b) Badges
1. Wearing of Badges
    - (a) The breast badge shall be a star of seven points, in the center of which shall be imposed, in relief, a facsimile of the seal of the state. The badge issued sworn employees of the rank of Sergeant and above shall be a composition metal in the likeness of gold; that issued to sworn employees below the grade of Sergeant shall be of a composition metal in likeness of silver.
      1. Two badges will be issued to deputies assigned to the Patrol and Corrections Division.
      2. Two badges will be issued to Civil deputies.
    - (b) The hat badge shall be a shield with the word "Deputy Sheriff", or other appropriate rank of the member, on the bottom of the shield and crowned by a replication of an eagle. A facsimile of the seal of the state will appear in the center of the shield. The hat badge issued sworn employees of the rank of Sergeant and above shall be a composition metal in the likeness of gold; that issued to sworn employees below the grade of Sergeant shall be of a composition metal in likeness of silver.
  2. Sworn employees, while wearing any authorized uniform, shall display the breast badge on the left breast of the outermost garment. The hat badge shall be displayed on both the felt and straw hats in the area immediately above the front center braid.
  3. The Sheriff may authorize the issuance of a smaller badge of the same description, in those cases where carrying of a smaller badge is more appropriate to the employees duty assignment. A smaller badge, if issued, is for use as identification while wearing civilian clothing and is not authorized for display on any uniform.
  4. All badges, including the hat badge, will be buffed or polished.
- (c) Baton/Oleoresin Capsicum (OC)
1. A baton may be issued to each criminal and uniformed deputy assigned to the Patrol Division. The issuing of the baton is optional.
    - (a) Uniformed deputies who are issued a baton are required to carry it on their gun belt.

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### *Uniform Equipment*

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- (b) Detectives who are issued a baton are required to keep the baton close at hand while on duty and in the field.
  - 2. Patrol, forest, marine and animal services deputies will carry an OC canister at all times when on patrol. (OC shall not be carried in any aircraft)
  - 3. Correction Deputies will carry an OC canister at all times while on duty. Exceptions will require approval from a supervisor. (OC shall not be carried in any aircraft).
  - 4. Division Commanders will wear the baton and OC as an option.
- (d) Belt Keepers
- 1. Four single belt keepers will be used to keep the gun belt properly positioned.
    - (a) Hidden snaps will be issued to deputies (two in front and two in back).
    - (b) Gold colored brass snaps are optional for supervisors.
- (e) Brass/Metal
- 1. Badges, buttons, and similar metal objects will be polished and maintained in a shiny condition.
- (f) Campaign Hat and/or Cap
- 1. Wearing of the campaign hat is optional for deputies in uniform except while participating in ceremonies/duties where the complete uniform is required or appropriate.
  - 2. The uniform cap hat will normally be worn by deputies when in uniform out of doors, or while participating in ceremonies/duties where the complete uniform is required or appropriate.
    - (a) Wearing of the uniform cap is authorized only when wearing the utility uniform.
  - 3. The campaign hat will be worn level from side to side with the front canted slightly downward. By placing the middle and index finger along the bridge of the nose, the hat brim should touch the upper finger.
- (g) Footwear
- 1. Footwear will be maintained in a polished and presentable appearance.
  - 2. Footwear authorized to be worn with the Class A uniform must be black polished shoes or boots.
  - 3. Only footwear listed in the following options may be worn with the regulation or utility uniform:
    - (a) An oxford style shoe in a high gloss or polished finish or Wellington style boot. Sworn employees choosing to wear these style shoes/boots for every day use must be aware that the shoes must be in a presentable condition when wearing of the Class A uniform is required.
    - (b) Black leather boots (such as Danner, Rocky, Thorogood, Smith & Wesson, Magnum, Bates)
  - 4. An exception to the authorized footwear listed in section 3(a) and 3(b) may be made based upon supervisory approval for limited duration situations or



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events, but only for the duration of that situation or event, e.g., extreme climatic situations or duty at the county fair.

5. Black hose will be worn when the hosiery is visible in a standing or seated position.

#### (h) Gun belt

1. Only issued poly laminate duty belts, gun belts, holsters, and all other gun belt equipment are authorized to be worn with the Class A or Regulation uniform. The finish must be of a basket weave design.
2. Only Sheriff's Office issued or authorized equipment consisting of the following will be carried on the uniform gun belt:
  - (a) Magazine pouch(es) (mandatory) (Limited to a capacity of three magazines)
  - (b) Holster and firearm (mandatory)
  - (c) Baton holder and baton (optional)
  - (d) Handcuffs and handcuff case (mandatory-single, two single or double optional)
  - (e) Oleoresin Capsicum and case (mandatory for Patrol, Corrections, Marine and Forest deputies and Animal Services)
  - (f) Rubber glove pouch (optional)
  - (g) Belt keepers (4-mandatory)
  - (h) Flashlight ring (optional)
  - (i) Mini-flashlight and case (optional)
  - (j) Portable radio holder and radio (optional)
  - (k) Pagers shall not be worn on the uniform shirt.
  - (l) Cell phones (optional)
  - (m) If a key ring is worn it must be a "silent key ring" for Patrol Deputies. Open face key fobs are permitted for Correction Deputies
  - (n) Equipment assigned to specific employees for testing and evaluation
  - (o) Taser (optional).
3. Non-issued equipment or items are not permitted on the uniform gun belt. Items such as extra keys, snap key rings, and knives are prohibited. The objective is to restrict the gun belt to safety items that are most important to the Deputy, while at the same time projecting a neat and professional appearance.
4. Requests to wear other equipment believed to qualify in the "safety category" will be submitted through the chain of command.
5. The holster and firearm will be worn on the strong-hand side.
6. Magazine pouches, baton, OC, mini-flashlight and their holders, handcuff case(s) may be worn anywhere on the gun belt. If worn on the strong-hand side, they must not interfere with the safe use of the firearm or ammunition.

#### (i) Insignia of Rank

1. Insignia of rank for all sworn ranks, except deputy, is an embroidered patch sewn on the left sleeve of uniform shirts and jackets.

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2. The embroidered patch will be neatly sewn on the sleeve with the top edge centered one inch below the bottom of the department patch.
  3. Additional insignia of rank are military rank symbols; gold for Sergeants and above.
  4. Uniform shirts will display the insignia of rank on each collar as shown in [attachment "B"](#).
  5. Jackets with shoulder epaulets will display the insignia of rank as shown in [attachment "B"](#).
- (j) Jackets
1. The "Ike" jacket will only be worn as part of the Class A or Regulation uniform.
  2. Jackets will be buttoned to the top breast pockets during a ceremonial event.
- (k) Leather
1. All Class A and Regulation uniform leather including the hat strap, pants belt, shoes/boots, gun belt and gun belt equipment will be maintained in a black and shiny condition.
- (l) Name Plates
1. A Sheriff's Office issued nameplate worn on the jacket and uniform shirt will identify each employee in uniform. Nameplates will be replaced when scratches, fading or the lettering in the name detracts from a professional appearance.
  2. The primary color is silver for deputies and gold for Sergeants and above.
- (m) Recognition Pins
1. Only Department issued recognition pins are permitted to be worn on the uniform shirt. Pins will be centered above the name plate.
  2. Only two Department issued such pins may be worn at any given time.
- (n) Raincoats/Rain pants
1. The green Watershed raincoat is acceptable with the Regulation uniform, and will be zipped to the breast pocket while officially engaged.
  2. A raincoat is not considered a jacket for purposes of wearing a tie.
- (o) Shirts
1. The uniform shirt should be fitted to the employee's body, allowing for body armor. The collar should fit properly around the neck when buttoned, and the undershirt should not be visible. Shirts will be kept clean and pressed.
  2. Long sleeve shirts will be worn as they were designed with both sleeves appropriately buttoned. Rolled up sleeves are not permitted.
    - (a) Administration and patrol duties/functions when wearing a long sleeve shirt or a jacket a tie and Sheriff's Office issued tie tack, or turtleneck shirt (see #3) will be worn.
    - (b) Other duties/functions The wearing of a long sleeve shirt without a tie is permitted for Correction and Civil Deputies, Animal Services Deputies, and Animal Shelter staff only when wearing the Utility Uniform.

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3. Turtleneck shirts issued by the Sheriff's Office will only be worn with the Utility or Regulation Uniform. The turtleneck shirt is provided to deputies to be normally worn during cold weather. The decision as to whether to wear the turtleneck will be left up to the individual deputy unless otherwise directed by a supervisor.
  - (a) The turtleneck shirt will be worn in such a manner that the body armor is not visible and under the long sleeve utility or regulation uniform shirt. The turtleneck will be worn without the tie.
  - (b) The turtleneck shirt will not be worn while attending jury trials, public talks, or other formal public appearances without supervisor approval.
- (p) Slacks and BDUs.
  1. Slacks will be kept in good condition, pressed and tailored to fit well.
- (q) Tie Tacks
  1. Sheriff's Office issued tie tacks will be worn when the uniform tie is worn.
  2. The tie tack is centered on the tie and level with the shirt pocket buttons. The tie tack is displayed in the upright position.
- (r) Sweaters
  1. The wearing of an authorized black sweater (cardigan or pullover) is permitted only for staff assigned to work in the jail, civil/records and then when wearing the utility uniform.
- (s) Undershirts
  1. If worn, undershirts will be black, visible only at the unbuttoned collar of the short sleeve shirt, and maintained in a presentable condition.
- (t) Protective Vests (Body Armor)
  1. All Deputies will adhere to the provisions of Policy Manual §1024 regarding the required wearing of body armor.
  2. When worn, the vest will consist of both the front and back panels. The shock plate, if provided, is optional.
  3. Care and maintenance of the protective vest will be conducted in accordance with the manufacturer's recommendations.
  4. Deputies not in uniform will have the protective vest immediately available at all times, are encouraged to wear the vest usually, and shall wear the vest under any of the following circumstances:
    - (a) For any potential high-risk arrest or assignment.
    - (b) When directed by a supervisor.

#### **1047.5 MOURNING BAND**

- (a) A mourning band will be provided to each certified employee to be worn on the issued badge when attending police officer funerals, or police memorial services.
  - (b) A mourning band will be worn diagonally across the badge, with the high point of the stripe on the left, and the low point to the right as shown in [Attachment "C"](#).
  - (c) The mourning band will normally be worn only with the Class A, Regulation or Utility uniform. However, the Sheriff may designate a period of mourning when all certified
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members will wear the mourning band for a specific period of time, regardless of uniform being worn.

#### **1047.6 ATTENTION TO DETAIL**

- (a) The first impression sets the tone for all or subsequent contacts. Consequently, all sworn and non-sworn deputies should have a desire to present the most professional and competent appearance possible.
- (b) The following Attention to Detail tips are offered:
  - 1. Care and Maintenance of Uniform Hats:
    - (a) Hats should be brushed daily with a long, softly bristled brush to remove dust. A damp lint-free cloth may be used to wipe the hats to smooth the nap and renew the appearance. The hat should be wiped or brushed in only one direction, as a back and forth motion will tend to raise the nap and make it fuzzy.
    - (b) When the hat is not in use for a long period, it should be placed in the original box or provided hat holder. The cord and chinstrap must be removed. The press-stay should be placed on the hat, as it will ensure the rigidity and straightness of the brim.
    - (c) Rain covers should always be kept handy for inclement weather. If possible, the cover should be used prior to rain, snow, etc.
    - (d) If the hat becomes water soaked, it should be dried naturally, after removing the braid and strap, by being placed on a clean surface.
    - (e) In case of oil staining or spotting, any commercial fabric spot remover is appropriate. Place the liquid on a soft, dry cloth, letting it evaporate almost completely before using it to clean the hat. The spot remover's vapors, not the liquid itself, does the actual cleaning. Feather-out toward the edges of the stain.
    - (f) When storing the hat, place in a cool, dry place in the hatbox or issued hat press.
    - (g) "Scotch Guard" does not harm the hat and will make it more water repellent and easier to keep clean.
    - (h) Soiled felt hats will be surrendered to the deputy's immediate supervisor for reconditioning or replacement. Unserviceable straw hats should be destroyed.
- (c) Hat Strap
  - 1. The hat strap will be adjusted to secure the hat with the strap looped at the knot on the back of the head.
  - 2. The appearance of the strap will be maintained with liquid black shoe polish. The cut sides of the strap will also be dyed black.
  - 3. The hat strap buckle will be kept on the right side. The strap's pointed end will be folded under the retaining loop as follows:
    - (a) Fold the pointed end of the strap under approximately the width of the retaining loop, then slide the retaining loop over the folded end, securing the loop in place.

#### (d) Hat Braid

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1. The braid shall be placed on the hat crown in a double strand with no twists. The center "acorn" of the braid will be centered below the hat badge and tight against the crown.
2. After securing the braid to the hat with the strap, pull the two loose ends away from the hat crown and cut them inch beyond the edge of the brim. Wrapping the cut ends with scotch tape at this point will prevent the braid from unraveling when reapplying the acorns. Thread the cut braid ends through the acorns and fold inch of the braid end over, then pull the acorn back over the folded end until the folded end is flush with the outer opening of the acorn. When extended straight forward, the tip of the acorns will be even with the hat brim.

#### (e) Jackets

1. Metal buttons on the shoulder are displayed face forward. Breast pocket buttons are displayed upright. When properly fitted, the cuff is approximately inch shorter than a properly fitted long sleeve shirt.

#### (f) Leather

1. Leather and poly laminate duty gear, when visible, will be dyed black.

#### (g) Shirt

1. The sleeve cuff should extend to the heel of the hand.

#### (h) Slacks

1. The length of the leg will be tailored so the front crease touches the top of the footwear selected. The cuff can be cut at approximately a 15-degree angle so that the back crease is slightly longer than the front.

## **Nepotism and Conflicting Relationships**

### **1050.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, purchasing and contracting, discipline and workplace safety and security.

### **1050.2 RESTRICTED DUTIES AND ASSIGNMENTS**

The Sheriff's Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising any other employee who is a relative, who resides with the member or with whom they are involved in a personal or business relationship ([ORS 244.179](#)).
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Sheriff's Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Sheriff's Office reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or who resides with the member or with whom they are involved in a personal or business relationship ([ORS 244.177](#)).
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws.

## Employee Involved Domestic Violence

### 1052.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

#### 1052.1.1 POLICY

Where incidents of domestic violence are alleged to have occurred, the Lincoln County Sheriff's Office will act to protect the victim, arrest the suspect, and conduct administrative and criminal investigations. This policy delineates a position by this Sheriff's Office of absolute intolerance of domestic violence. Employees of this Sheriff's Office convicted of domestic violence or an allegation of domestic violence sustained through an internal administrative investigation will be disciplined up to and including termination.

It is also the policy of this Sheriff's Office to promote the use of early prevention strategies to avoid or minimize the occurrence of domestic violence and its effects in the workplace. This Sheriff's Office will provide available support and assistance to employees who are victims of domestic violence.

This support may include, to the extent permitted by applicable law, policies, and collective bargaining agreements, confidential means for coming forward for help, resource and referral information, and additional security at the workplace. Other appropriate assistance may be provided based on individual need. In all responses to domestic violence, this Sheriff's Office will respect the confidentiality and autonomy of the victim to the fullest extent permitted by law.

Although the language of the policy speaks to law enforcement officers, this policy applies to all employees of the Lincoln County Sheriff's Office.

#### 1052.1.2 DEFINITIONS

**Domestic Violence** - A pattern of coercive behavior used by one person in a current or former domestic relationship to gain power and control over another person in that relationship. Domestic violence may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence may occur between people of all racial, economic, educational and religious backgrounds, in heterosexual and same-sex relationships, married or unmarried, and in short-term or long-term relationships.

**Batterer, Perpetrator or Abuser** - The individual who commits an act of domestic violence as defined above.

**Victim** - The individual who is the subject of an act of domestic violence.

**Household and family members** - Spouses, former spouses, adult persons related by blood, marriage or adoption, persons co-habiting, or who have co-habited, persons who have been sexually intimate with each other within two (2) years (including same sex relationships), and persons who are unmarried parents of a child.

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### *Employee Involved Domestic Violence*

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**Restraining Order** - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, Restraining Orders, No Contact Orders, Protective Orders, and Anti-Harassment Orders. Court mandated restrictions are designed to aid in the safety of the petitioner (person who files for the restraining order). In Oregon, the order is subject to appeal within thirty-one (31) days of being issued. Once an appeal is requested, the court must hear the appeal within twenty (20) days.

#### **1052.2 STATUTORY REQUIREMENTS**

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §§921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm ([Oregon Revised Statutes 166.270](#)).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8) and [Oregon Revised Statutes 107.718](#)).

#### **1052.3 INCIDENT RESPONSE**

All personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as "on-the-record" information. The information shall be forwarded to the Patrol Sergeant and respective employee's supervisor for appropriate investigative action.

Upon arrival at the scene of a domestic violence incident involving any employee as the suspect or victim, the handling deputy shall immediately notify the communications center and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

#### **1052.4 EMPLOYEE RESPONSIBILITY**

- (a) Employees are encouraged to seek confidential assistance from county resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.
- (b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.
- (c) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.
- (d) No employee shall solicit or be afforded any privileges or special considerations.
- (e) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.
- (f) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.
- (g) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.



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- (h) Members are prohibited from discussing or revealing any information related to reports of domestic violence involving co-workers or other law enforcement personnel.
- (i) Members who have been arrested or convicted of a domestic violence crime shall notify their immediate supervisor at the earliest possible time.
- (j) Any employee of this office who is arrested for domestic violence will be placed on administrative leave pending the conclusion of the criminal investigation and an internal investigation.
- (k) Employees who fail to comply with these rules and procedures will be subject to disciplinary action up to and including termination.

#### **1052.5 SHERIFF'S OFFICE RESPONSIBILITIES**

- (a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:
  - 1. Stalking and inappropriate surveillance activities.
  - 2. Unusually high incidences of physical altercations, injuries, or verbal disputes.
  - 3. Alcohol and/or drug abuse.
  - 4. Increase in controlling behaviors.
  - 5. Citizen or fellow employee complaints of aggression.
  - 6. Inappropriate aggression toward animals.
- (b) The Sheriff's Office, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.
- (c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including chaplains, will be made available to employees.
- (d) Employees who disclose to any member of the office that they have personally engaged in domestic violence are not entitled to confidentiality within the office. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.
- (e) Any Sheriff's Office employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

#### **1052.5.1 TRAINING**

The office will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.

#### **1052.6 VICTIM SAFETY AND PROTECTION**

- (a) Investigators assigned to investigate a deputy/officer involved case shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated investigator shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.

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- (b) The Division Commander shall designate a principal contact for the victim and shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
- (c) The investigating deputy designated as the victim's principal contact shall conduct a [lethality assessment](#) with the victim. The information gained shall be incorporated into the safety plan developed with the victim.
- (d) All employees shall keep all information concerning victims confidential, including their whereabouts, [safety plan](#), and any communications.
- (e) Working with community resources and advocacy agencies, the investigating deputy shall refer victims to all necessary and appropriate services.
- (f) The investigating deputy will inquire whether the victim wants any weapons removed from his/her home for safekeeping by the Sheriff's Office.
- (g) The Sheriff's Office will refer the victim to advocate resources available through the District Attorney's Office. These advocates are available to the victim as a point of initial contact, or for support and follow up throughout the process.

#### **1052.6.1 GUIDELINES REGARDING ASSISTANCE TO VICTIMS**

- (a) Domestic violence crimes have serious and long lasting detrimental effects.
  - 1. Members are not immune from becoming involved in domestic violence situations as either a perpetrator or victim.
  - 2. Members who have concerns about their behavior or display behaviors that raise concern are encouraged to seek assistance.
- (b) Behaviors that may raise concern include, but are not limited to, frequent tardiness and absences, an increase in controlling behaviors, stalking and inappropriate surveillance activity, complaints from co-worker, unwarranted aggression and verbal abuse, increased use of physical force and/or injury.
- (c) Suggestions for Employees Who Are Victims of Domestic Violence:
  - 1. Talk with a trusted colleague, supervisor, or association representative about your situation;
  - 2. Contact the Employee Assistance Program (EAP) service provider;
  - 3. Contact the National Domestic Violence Hot Line at 1-800-799-SAFE, the Oregon Coalition Against Domestic and Sexual Violence at 1-800-622-3782, or the local domestic violence service provider;
  - 4. Call the local police if you are in immediate danger and notify your supervisor as soon as possible;
  - 5. Notify your supervisor of the possible need to be off work, and find out your leave options.
    - (a) Be clear about when you plan to return to work and maintain communication with your supervisor during your absence.
  - 6. If necessary and available, make alternate arrangements for receiving your paycheck;
  - 7. If you are concerned about your safety at work, submit a recent photograph of the abuser and a copy of your protective order (if applicable) to your supervisor

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#### **1052.7 INVESTIGATIVE PROCEDURES**

Deputies shall comply with the following procedures involving law enforcement officers or employees of a law enforcement department who are alleged to be an offender or victim of domestic violence:

- (a) When a deputy responds to a call of domestic violence and finds that the alleged offender/victim is another law enforcement officer, the responding officer will, as soon as reasonably possible, call his/her supervisor to the scene. This action shall also be taken when the victim/offender is an employee.
- (b) If the responding deputy has not yet made a custodial arrest, it will be the responsibility of the responding supervisor to ensure that it is done if probable cause exists under state law.
- (c) If the aggressor or suspect is a law enforcement officer of another agency, regardless of whether an arrest is made or a report is written, the investigating deputy shall report this activity to his/her supervisor, who shall in turn notify a command officer of the aggressor's or suspect's agency.
- (d) The reporting supervisor shall report the information to the suspect or aggressor's agency within four (4) hours of the activity.
- (e) When a deputy is requested to serve a Temporary Ex Parte Order or a Protective Order (serving deputy) on a respondent who is a law enforcement deputy/officer of this or another agency, the serving deputy shall report this activity to his/her supervisor, who shall in turn notify a command officer of the respondent's agency.
- (f) The reporting supervisor shall report the information to the respondent's agency within four (4) hours of the activity.
- (g) When a deputy is called to enforce the terms of a Temporary Ex Parte Order or a Protective Order (investigating deputy), the investigating deputy shall report this activity to his/her supervisor, who shall in turn notify a command officer of the respondent's agency.
- (h) The reporting supervisor shall report the information to the respondent's agency within four (4) hours of the activity.
- (i) Even though an initial report may already exist concerning a law enforcement deputy/officer involved in a domestic violence incident, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.

#### **1052.7.1 INVESTIGATIVE PROCESS**

- (a) The Sheriff or Division Commander may request an outside agency to conduct any internal investigation involving allegations of domestic violence involving a member of this office.
  1. If so, the Sheriff will establish a Memorandum of Agreement [MOA] with the outside agency.
  2. The agreement will delineate a reporting chain of command, confidentiality, and investigative responsibilities.
- (b) Any employee who is ordered to speak on an internal matter will be given the Garrity admonishment that the information will not be used in any criminal matter.
  1. The agreement will clearly specify that the criminal and internal investigations will be clearly separate.

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- (c) Upon this office receiving the initial report, and that report being sent to the Sheriff, the Sheriff will notify the agency with which the Memorandum of Agreement has been made.
  - 1. All members of this office will cooperate fully with the investigators assigned to the case.
  - 2. The purpose of using outside personnel for the investigation is to illustrate that there is no undue influence on the investigation, and that "Garrity" rights of the accused are protected.
- (d) Once the investigation has concluded, the case will be submitted to the Sheriff for a finding for further action.
  - 1. The Sheriff will determine how to best ensure the safety of the victim, as well as any future personnel action regarding the involved employee.

### **1052.8 PERSONNEL ACTION**

- (a) Applicants will be screened for any history of domestic violence. This screening may include, but not limited to investigation of personal history or psychological assessment.
- (b) This office will provide training in domestic violence issues to raise the level of awareness. Training opportunities will include training for new employees and their families, Field Training Officers, supervisors, in-service and all employees.
- (c) Incidents or information that do not result in charges:
  - 1. When information about domestic violence in an employee's family comes to the attention of a commanding officer or supervisor, it is the commanding officer or supervisor's responsibility to conduct an informal inquiry.
    - (a) Such a session could be triggered by virtually any source, a family member, a neighbor, friend or colleague.
    - (b) The commanding officer or supervisor should discuss safety issues and treatment referral.
    - (c) Employees will be encouraged to make use of the treatment options, which include psychological services and the Employee Assistance Program.
  - 2. If an employee is referred to psychological services, notification will be made to the Sheriff regarding an initial assessment and preliminary treatment plan.
    - (a) Information beyond this will remain confidential, unless there is suspicion of intent to harm self or others, or if there is information regarding child abuse.

### **1052.8.1 RESTRAINING ORDERS**

- (a) Members who are subject to a restraining order shall notify their immediate supervisor at the earliest possible time.
- (b) Federal law prohibits any respondent (person who has had a restraining order served on them) from possessing firearms and ammunition (actual or constructive possession) if the restraining order bans such possession or he/she is found to represent a credible threat to the petitioner.
  - 1. There is a military and law enforcement exemption for sworn members, on-duty status only.

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2. However, a restraining order that bans the respondent's possession of firearms and ammunition may still be subject to enforcement under state law, unless the respondent has received relief for that portion of the restraining order in state court.
- (c) Certified Deputies, who have state liability of a restraining order restricting firearms and ammunition possession, subject to such a restraining order, shall not be allowed to work or be in areas where actual or constructive possession of firearms and/or ammunition is possible.
1. If the deputy/respondent is appealing a restraining order with firearm and ammunition prohibition, the deputy may be placed on administrative leave or in a position where there is no contact with the public through the duration of the appeal.
- (d) Members, who are subject to restraining orders that have firearm and ammunition restrictions, shall ensure all firearms and ammunition are removed from their residence, department locker, and any other location he/she would have actual or constructive possession of such items.
1. This must be done immediately.
  2. If the restraining order is appealed, and as a result of that appeal, the firearm and ammunition restrictions of the restraining order are eliminated, or the restraining order is vacated, the member may have returned to his/her possession any and all firearms and ammunition that were removed.
- (e) When a DPSST certified deputy qualifies for the federal exemption and does not have state liability or a restraining order banning firearms and ammunition possession;
1. The employee's immediate supervisor will create a report covering the circumstances of the restraining order and forward the report to the Sheriff through the chain of command.
- (f) The Sheriff will make a determination regarding what accommodation, if any, should be made for the firearm restriction.
- (g) If directed by the Sheriff;
1. The employee's shift supervisor or designee will issue the deputy's duty firearm(s) and ammunition to him/her at the beginning of each work shift, and collect the firearm(s) and ammunition at the end of each shift;
  2. The firearm(s) and ammunition will be stored in a manner that does not allow actual or constructive possession by the officer when he/she is off duty;
  3. The office will not facilitate or allow a certified member to work under the federal exemption until he/she has been cleared by a psychological threat assessment;
  4. Since restraining orders are twelve (12) months in duration and may be extended, duty status could be terminated;
  5. During the month of January, an annual check will be made of every member's law enforcement record, including, but not limited to CCH, by a designee of the Sheriff to determine if there are any entries for domestic violence arrests, convictions or restraining orders;
  6. Any domestic violence arrest, conviction or restraining order found as a result of such a check will be forwarded to the Sheriff;
  7. A member convicted of a domestic violence crime, whether or not it meets federal standards, shall be subject to discipline up to and including termination.

## Modified Duty Assignments

### 1056.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments shall be available to employees who:

- Have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties.
- A member becomes pregnant and cannot function in her regular position due to the potential danger involved in her work.
- Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy, when there is a position available.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Sheriff's Office with a productive employee during the interim period.

The Sheriff's Office will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

### 1056.2 DEFINITIONS

**Modified Duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty may be termed as light-duty assignments.

### 1056.3 LIMITATIONS

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of Sheriff's Office need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- (c) The Sheriff's Office may place conditions as deemed appropriate upon any modified-duty assignment.

### 1056.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Sheriff's Office, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of less than full time may be approved and facilitated by the Division Commander.

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#### **1056.4.1 MODIFIED-DUTY SCHEDULES**

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Sheriff's Office needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of any schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

#### **1056.4.2 ACCOUNTABILITY**

The employee's supervisors shall coordinate efforts to ensure proper time accountability. Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

- (a) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (b) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Division Commander. Modified duty shall be extended up to six months if required by the employee's attending physician.
- (c) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **1056.4.3 MEDICAL EXAMINATIONS**

The Sheriff's Office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Sheriff's Office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

#### **1056.5 PREGNANCY**

It is the policy of the Sheriff's Office to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Sheriff's Office to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

#### **1056.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her supervisor of the pregnancy as soon as practicable. The employee must inform the Sheriff's Office of her intent regarding

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### *Modified Duty Assignments*

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reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

#### **1056.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding Family and Medical Care Leave.

#### **1056.6 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

If the employee is unable to maintain their certification, training, or qualifications during their modified duty status, the employee will work with their supervisor to develop a work plan to accommodate obtaining the necessary certification, training, and/or qualification.



## **Employee Speech, Expression and Social Networking**

### **1060.1 PURPOSE AND SCOPE**

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Sheriff's Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

#### **1060.1.1 APPLICABILITY**

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

### **1060.2 POLICY**

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Lincoln County Sheriff's Office will carefully balance the individual employee's rights against the Sheriff's Office needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

### **1060.3 SAFETY**

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Lincoln County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

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#### **1060.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the office safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Lincoln County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Lincoln County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Lincoln County Sheriff's Office or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Sheriff's Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Lincoln County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Sheriff's Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (or any other act that would constitute a misuse of public information in violation of [ORS 162.425](#)).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Lincoln County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:
  1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
  2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### **1060.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Lincoln County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Lincoln County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Lincoln County Sheriff's Office.

A notice of restrictions on political activities by employees will be posted and maintained by the Department in a place that is conspicuous to all employees as required by law ([ORS 260.432](#)).

Employees 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. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1060.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any Sheriff's Office technology system.

The Sheriff's Office 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 Sheriff's Office, including the e-mail system, computer network or any information placed into storage on any system or device.

This includes records of all key strokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through computers or networks.

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### *Employee Speech, Expression and Social Networking*

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#### **1060.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Sheriff's Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Sheriff's Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Sheriff's Office.

#### **1060.7 TRAINING**

Subject to available resources, the Sheriff's Office should provide training regarding employee speech and the use of social networking to all members of the Office.

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