



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

PROFESSIONAL STANDARDS

General

1. To maintain public confidence and integrity in the CCSO, the Sheriff has established a Professional Standards Unit (PSU) to review and investigate internal and external complaints about CCSO employees, both paid and volunteer, in a timely, thorough and impartial manner.
2. PSU is assigned by the Sheriff to promote the highest standards of conduct of CCSO employees in the performance of their duties and accountability to their Oath of Office. To fulfill this mandate, PSU oversees the administrative investigation of complaints about CCSO employees and is responsible for maintaining the PSU procedure manual to guide and clarify the requirements for implementation of this policy.

Definitions

3. The following definitions are used throughout this policy:
 - a. **Complaint** – an allegation of employee misconduct, which may include, but is not limited to, a violation of law, Sheriff's Office policies or procedures, county code or policy, or demonstration of poor judgment in the exercise of official duties;
 - b. **Investigation** – an official inquiry into a complaint, which is categorized as
 - a:
 - (1). **Service Investigation** – an administrative investigation, which typically involves employee behavior, such as rudeness, offensive language, procedural errors or general misconduct, and conducted by the employee's chain of command; or
 - (2). **PSU investigation** – an administrative investigation, which typically involves serious allegations of misconduct, and conducted by PSU.
 - c. **Misconduct** – an action or inaction by a CCSO employee, which includes the violation of one or more laws, county policies or ordinances, Sheriff's Office written directives (policies, procedures, code of ethics, oath of office, etc.), or violations of the state or federal constitution; and



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

d. **Non-Actionable Complaint** – complaints are actionable unless an allegation is made wherein:

- (1). a complainant perceives wrongdoing, however, the information reported does not state a claim for a violation of law or policy;
- (2). a complaint is implicating a defense to an alleged violation of law by the complainant that is properly addressed through a pending administrative or legal process and does not state a claim for a violation of law or policy by a CCSO employee (e.g. complaining about a traffic citation when traffic court is the appropriate venue); or
- (3). a grievance filed by an inmate when the grievance may be addressed under the provisions of the Jail Division inmate grievance procedure. The Jail Commander or designee will assess an inmate grievance to determine whether the complaint implicates any law or policy violations to be processed in accordance with this policy.

Receipt of Complaint(s)

4. Complaints from members of the public will be received in any form and will be processed through the chain of command for assessment in accordance with this policy. Any non-supervisory CCSO employee receiving a complaint verbally shall attempt to connect the complainant with an on duty supervisor. If the employee is not able to reach a supervisor or the complainant declines, the employee shall accept the complaint. Before his/her shift is over, the employee shall verbally notify a supervisor of the complaint. The supervisor will determine whether the complaint is actionable or non-actionable in accordance with this policy and process the complaint accordingly. All actionable complaints will be entered into the PSU Complaint Dashboard in CLASSweb. The supervisor will approve the Dashboard entry before it is finalized.

5. If the complaint is non-actionable and the supervisor has reason to believe the chain of command should be notified (i.e. agency dissatisfaction, inadequate response, etc.), the supervisor shall document the information in a memorandum and forward it through the chain of command. If a complaint is actionable the complaint will be resolved in accordance with this policy.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

Assignment of Investigation Category

6. Once a complaint has been determined as actionable, the complaint will be preliminarily assessed and assigned as either a Service Investigation or PSU Investigation by the supervisor. All assignments of a Service Investigation entered into the PSU Complaint Dashboard require identification and routing to a lieutenant or above for approval; however, all PSU investigations are automatically routed to PSU. All complaints entered into the PSU Complaint Dashboard shall be monitored by PSU for appropriate assignment, resolution of the complaint, and re-assignment if deemed necessary. The following table is a general guide for selecting whether a complaint is assigned as either a Service or PSU Investigation:

SERVICE INVESTIGATION	PSU INVESTIGATION
<ul style="list-style-type: none"> • Traffic Infractions (i.e. Deputy Speeding) • Rudeness/Swearing/Demeanor • Performance work duties such as: <ul style="list-style-type: none"> • Reports • Returning phone calls/response • Attendance/tardiness • Malingering • Assistance and response requests 	<ul style="list-style-type: none"> • Intentional Misconduct • Violation of Constitutional Rights • Sexual Misconduct • Truth/Integrity/Bias Issues • Allegations of excessive force • Domestic Violence Allegations • Violations of Drug Policy • Association with known criminals • Misuse of position • Prison Rape Elimination Act (PREA) violation • Bias-Based Profiling • Any complaint, if determined by PSU from the nature of the complaint, requires re-assignment as a PSU investigation.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

Timeliness

7. PSU shall review complaints made more than 90 days after the event giving rise to the complaint and will determine:

- a. if the alleged complaint was reported within a reasonable time to allow for a thorough investigation; and
- b. if the complaint raises an issue that warrants further investigation.

8. If PSU determines the complaint was not reported within a reasonable time to allow for a thorough investigation it shall be deemed non-actionable. PSU shall, within five days of the preliminary assessment, notify the complainant in writing of the disposition.

Duty to Report Employee Violations of Policy or Law

9. Any employee of the Sheriff's Office who has reason to believe another employee has violated the policies or procedures of Sheriff's Office, the County or has violated the law, shall immediately report the alleged violation to a supervisor or manager. If the alleged violation involves the employee's supervisor, they shall report the violation to the next step in the chain of command.

Confidentiality and Disclosure of PSU Files

10 All PSU complaint investigative case files are confidential and not subject to disclosure outside the chain of command and authorized staff unless required by law or compelled by court order. PSU files will be secured in a locked area and only personnel authorized by the Sheriff will have access to the files. Files will be retained for the minimum time required by Oregon law or longer according to CCSO written directives. No record of a complaint investigation or finding of not sustained, exonerated, unfounded or cleared by exception will be placed in an employee's personnel file.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

Notice to Affected Parties

11. Notice to the affected parties shall be as follows:
 - a. Service Investigation - supervisor will notify the complainant and affected employee(s) verbally that the matter will be investigated, and will endeavor to complete the investigation within 30 days after receipt. The supervisor shall make a record of the notifications in the CLASSweb Dashboard, PSU Complaint /Summary Description. If the investigation is complex and additional time is required, the complainant and affected employee(s) will be notified prior to the expiration of the initial 30 days and at least every thirty (30) days thereafter until resolved; and
 - b. PSU Investigation - PSU will notify the complainant in writing that the matter will be investigated, and will endeavor to complete the investigation within 90 days after receipt. PSU shall advise the affected employee(s) of the complaint, in writing, with the exception of any criminal investigation, as provided by ORS 236.360(3)(b). If the investigation is complex and additional time is required, the complainant and affected employee(s) will be notified in writing prior to the expiration of the initial 90 days and with reasonable updates provided thereafter until resolved.

Criminal Investigations Arising from Complaints

12. PSU will notify the Undersheriff of any complaint that has potential to result in a criminal investigation and has the authority to report directly to the Sheriff at any time. The Undersheriff will make the determination of notification to the appropriate prosecuting authority. PSU shall report criminal complaints against either the Chief Deputy or the Undersheriff to the Sheriff and criminal complaints against the Sheriff to the Oregon Department of Justice.
13. Unless otherwise directed by the Sheriff, PSU may conduct a separate administrative investigation while a concurrent criminal investigation occurs. PSU will maintain separation of the administrative investigation.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

Supervisor's or Sergeant's Duty to Supervise

14. If a complaint against an employee of the Sheriff's Office alleges a criminal violation or misconduct that may require the supervisor to alter the employee's work assignment or remove him/her from duty pending an investigation, the supervisor who receives/reviews the complaint shall immediately inform the employee's supervisor (i.e. Watch Commander). If the supervisor cannot be contacted, the next senior supervisor within the division or the division commander where the employee is assigned shall be so informed.

15. Regardless of any future disciplinary or employment action that may or may not occur because of an investigation, supervisors continue to have an obligation to direct the work of their employee.

Obstructing or Hindering Investigation

16. No employee shall attempt to obstruct or hinder an investigation by:
- a. failing to fully, candidly and completely answer questions that are specifically and directly related to an administrative investigation and subject to the protections of the Fifth and Fourteenth Amendments to the United States Constitution and subsequent case law (i.e. Garrity Rule);
 - b. failing to fully and honestly assist in an investigation;
 - c. concealing or destroying, or attempting to conceal or destroy evidence relevant to an investigation or potential investigation; or
 - d. acting in a manner to attempt to intimidate or to alter or influence the memory of events of witnesses or potential witnesses in an investigation or potential investigation.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

Administrative No Contact Order

17. The Sheriff's Office may issue administrative no contact order(s) restricting employees from interacting with witness(es) and/or victim(s). Circumstances that may involve issuing a no contact order include safety concern(s), witness intimidation, and/or continuation of employee misconduct, which might expose the employee, another person, or the CCSO to potential injury, increased liability and/or public censure.

Employee Privileges

18. Absent specific direction or order, the employee is not restricted from conducting his/her official duties because a complaint has been filed. Should the employee be required, in the performance of duties, to contact the complainant, a supervisor must approve the contact prior to contact.

19. Employees, or their bargaining unit representative as identified by the employee in a signed written document, may review the contents of any completed PSU file naming them as the subject of a complaint. The employee may make such a request with appropriate notice for review directly to PSU. Investigations that are not completed are not subject to review. In the event an investigation contains information about discipline and/or misconduct of another employee to which the reviewing employee would not otherwise be privileged, that information shall be redacted. Notwithstanding the above, the bargaining unit may review completed PSU files involving a specific employee for the purpose of administering the collective bargaining agreement. Such review shall be documented in writing and maintained by PSU.

20. Employees who are the subject of a complaint may inquire as to the status of an open internal administrative investigation at any time with PSU.

Investigatory Interview of Employee

21. An administrative investigatory interview may be conducted in cases of alleged violation of law or policy. The interview shall be conducted in accordance with the provisions of law and the accused employee's collective bargaining agreement in effect at the time the complaint was received.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

22. The employee may have a representative who has been chosen from the bargaining unit present at the interview. This representation becomes available when an employee reasonably believes that a purpose of an interview is to obtain information from the employee which may provide a basis for imposing disciplinary sanctions.

Representative's Role during Administrative Investigation

23. If present to represent an employee, the function of a bargaining unit representative during an administrative investigatory interview shall be as follows:

- a. the representative may inquire, at the outset of the interview, regarding its purpose, including inquiring about the general subject matter of the questioning to follow;
- b. during the investigator's questioning of an employee, the representative may participate only to the extent of seeking clarification of questions. The representative may not consult with the employee and the employee may not consult with the representative on whether or not to answer;
- c. after the investigator has completed the questioning of the employee, the representative may ask the employee questions designed to clarify previous answers or to elicit further relevant information; and
- d. before the end of the interview, the representative may suggest to the investigator other witnesses to interview and may describe relevant practices, prior situations, or mitigating factors that could have some bearing on the Sheriff's Office's determination of misconduct.

Disposition of Investigation and Preliminary Findings

24. At the conclusion of a Service or PSU Investigation, the investigator shall prepare an Investigative Summary Report for the PSU investigative file. The Summary Report shall describe the investigative process, summarize statements and evidence contained in the investigatory file, and set forth any other relevant information obtained during the investigation.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

25. The concluded Investigation Summary Report will be forwarded to the appropriate Supervisor (PSU Supervisor for PSU investigations and for Service Investigations the appropriate level of the employee's chain of command) for a preliminary finding for each alleged violation consisting of one of the following:

- a. **UNFOUNDED** – the investigation produced a preponderance of the evidence to prove the allegation concerned an act by an employee which did not occur;
- b. **EXONERATED** – the investigation produced a preponderance of the evidence to prove the actions of the employee were legal, justified, proper and in conformance with the law and policy and procedure;
- c. **NOT SUSTAINED** – the investigation failed to produce a preponderance of evidence to either prove or disprove a violation of law, policy or procedure;
- d. **SUSTAINED** – the investigation produced a preponderance of the evidence to prove the employee violated a law, County or Sheriff's Office policy, or oral or written directive or procedure;
- e. **CLEARED BY EXCEPTION** – the investigation determines the conduct occurred; however, it was not a result of malfeasance, misfeasance or nonfeasance by the employee. Circumstances attribute blameworthiness and responsibility of the conduct to a leadership, policy or training deficit, which will not be held against the employee; or
- f. **SUSPENDED** – the investigation remains in open and inactive status (not complete) for specific, articulable reasons reviewed and approved by the Sheriff or Undersheriff.

26. The Supervisor that authors the preliminary findings shall prepare and forward the completed investigative file package (consisting of the Investigative Summary Report, all investigative documents/evidence obtained through the course of investigation and preliminary findings) to the Division Commander.



CLACKAMAS COUNTY SHERIFF'S OFFICE

Policy # 18

**Printed copies are for reference only.
Please refer to the electronic copy for the latest version.**

References: [ORS 236.360](#), [ORS 659A.300](#), and [OAR 166-150-0135 \(53a-c\)](#)

Disposition and Adjudication

27. The Division Commander, on receipt of the investigative file package, will determine if he/she or another level of the employee's chain of command should conduct an adjudication hearing of the preliminary findings and potential discipline.

28. The Adjudicator shall review the preliminary findings and take the following action:

- a. affirm preliminary findings of unfounded, exonerated, not sustained or cleared by exception and cause appropriate notification to both the complainant and employee (supervisor to make notification in case of Service investigation and PSU to make notification in case of PSU investigation). If preliminary findings are in dispute, the file may either be:
 - (1). returned for further investigation if such inquiries are reasonably likely to elicit a preponderance of evidence to support a different disposition; or
 - (2). forwarded to the next level in the chain of command accompanied by an explanatory memorandum.
- b. in the case of a preliminary finding of sustained, ensure the investigative file package is distributed to the employee and schedule a mutually convenient adjudication hearing time/date.

29. The adjudication hearing is the employee's opportunity to rebut any and all of the preliminary findings and provide mitigating information prior to a decision of what level of discipline, if any, shall be imposed. After the hearing the adjudicator may:

- a. affirm the preliminary disposition(s) contained within the Investigation and Summary Report; or
- b. reject the disposition(s) contained within the Investigation and Summary Report and either:
 - (1). return the case file for further investigation if such inquiries are reasonably likely to elicit a preponderance of evidence to support a different disposition; or



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Policy # 18	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
References: ORS 236.360 , ORS 659A.300 , and OAR 166-150-0135 (53a-c)	

(2). recommend a different disposition.

30. In the event one or more of the allegations was sustained and disciplinary action is contemplated as a result, the Adjudicator after taking into consideration information during the adjudication hearing shall take action in accordance with the disciplinary process outlined in [CCSO Policy # 19 Discipline and Corrective Actions](#). On completion of any adjudication hearing, the Adjudicator shall ensure the return of each investigative file package to PSU for appropriate administration.

Complainant Notification and Petition for Reconsideration

31. Complainants shall receive a disposition letter from PSU on completion of an investigation, findings and disposition by the chain of command. Complainants shall be afforded the opportunity to petition for additional review of complaints when findings are not sustained, exonerated, or unfounded and when either new or additional evidence has been provided.

32. Where a complainant provides new or additional evidence, or PSU has determined it to be reasonable under the circumstances, PSU shall re-open and conduct further investigation.

PSU Annual Statistical Summary Report

33. PSU will provide the Sheriff a statistical summary of all Professional Standard investigations (i.e. number, nature of the complaints, findings, completion time and disciplinary action taken) on an annual basis.