

Clackamas County Sheriff's Office – 2019 OIR Implementation Report

In May of 2017, a former Sheriff's Office detective was charged by the Clackamas County District Attorney's Office on five counts of Official Misconduct for his failure to investigate child abuse referrals from the Department of Human Services. The underlying investigations revealed he neglected more than 50 cases assigned to him in the last few years of his career.

As a former child-abuse detective, I was appalled that we had let down these survivors. As Sheriff, I needed to reassure the public that this neglect of duty and supervisory failure would not happen again.

In July 2017, I asked the Clackamas Board of County Commissioners to hire an independent law enforcement consultant to review our investigative policies and procedures to address gaps in our performance and supervision, and to prepare a public report on their findings and recommendations. The County hired the OIR Group.

For the better part of a year, my office worked alongside the OIR Group as they conducted their review. In June 2018 the OIR Group issued its findings and recommendations.

Our office accepts nearly all of OIR's recommendations, and the resulting changes to our policies and practices are set forth below; an archive of our updates on this process can be found online at <https://www.clackamas.us/sheriff/OIRReports.html> . Although my office does not entirely agree with every finding or conclusion, we have thoroughly evaluated each recommendation in conjunction with our ongoing efforts to improve public service.

Alongside the improvements to our practices, detailed below, there is one important related matter to which I want to call attention: employee wellness.

The detective at issue served the Sheriff's Office for 26 years, most of it as a detective assigned to major person crimes and child abuse cases. For the majority of his career, he received awards and recognition for his work on horrendous child abuse and murder cases. Yet he ended his career with a criminal conviction, he was stripped of his status as a law enforcement officer, and he died a year after.

In the last few years of his career, this detective was burnt-out and underperforming. His supervisors and chain of command should have recognized that more clearly and acted more decisively to address it. My office should have done something more to assist this employee than a performance work plan and pushing him on to the next supervisor. In the wake of this failure and ensuing review process, we have put supervisory and performance measures in place, along with investigation time standards to assure this situation will not happen again. But we still need to address sustaining employee health. It's shocking to consider: Nationally, more police die by suicide than in the line of duty.

OIR recommends the development of an early warning system to detect and respond to performance issues before they escalate to crisis. I couldn't agree more. Law enforcement agencies around the country are recognizing the link between performance and tending to employees' health and wellness by creating programs dedicated to the goal of promoting an agency-wide culture of wellness. Considering how our employees face situations every day that take a toll on their mental health, and in some instances threaten their safety and even their lives, nothing could be more important than providing support and services to

sustain wellness throughout the span of a law enforcement career. Since 2011, we have asked the County to fund a wellness program, and we will continue asking until this critical need is recognized.

In closing, I thank the OIR Group for their professionalism throughout their review. I especially appreciate their recognition of the, “work ethic, moral compass and dedication to public service” expressed by many of the Sheriff’s Office employees they interviewed. I did not expect it to be an easy task to be under review, but it was necessary to help ensure community trust, and it has strengthened our agency. It’s an honor to serve you.

Sheriff Craig Roberts

	OIR RECOMMENDATION	SHERIFF’S OFFICE RESPONSE
1	CCSO should remove the provision from its policy manual which distinguishes treatment of complaints received over 90 days from the date of the incident.	<p><u>Position:</u> Accept recommendation. Update to <i>Policy #18 Professional Standards</i>, sections 9 & 10, eliminating timeframe:</p> <p>Professional Standards Unit (PSU):</p> <ol style="list-style-type: none"> 9. PSU shall review complaints and will determine: <ol style="list-style-type: none"> 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. 10. 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 notify the complainant in writing of the disposition. <p><u>Direction:</u> Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association</p>
2	CCSO should devise protocols and train its supervisors that when a supervisor brings forward information suggesting “gross” or intentional misconduct by a subordinate employee, there should be an immediate meeting to learn the circumstances and devise timely next steps.	<p><u>Position:</u> Accept recommendation. Update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 7, to reference timeliness:</p> <p>When a complaint involves any of the following categories, the CCSO employee taking the complaint must, <i>as soon as practical without</i></p>

		<p><i>delay</i>, contact their supervisor/Manager, Watch or Division Commander, who will promptly notify the Undersheriff/Chief Deputy:</p> <ul style="list-style-type: none"> a. any criminal conduct; b. a matter of such serious and credible nature that the member could be placed on administrative leave; c. a credible allegation of a civil rights violation; and d. a matter which could subject the CCSO or County to litigation or public disapproval
3	<p>CCSO should change its policy so that it accepts all complaints, whether generated internally or by a member of the public, in their original form, and gives PSU the exclusive responsibility to enter the appropriate information into the dashboard.</p>	<p><u>Position:</u> Accept Recommendation. Update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 4, and <i>Policy #18 Professional Standards</i>, section 4, to receive complaints in any form:</p> <p>Manual: <i>Complaints may be received in any form by any CCSO employee, including verbally, and will be forwarded through the employee’s Chain of Command to PSU for assessment and assignment in accordance with Policy 18 Professional Standards. Complaints received through PSU’s designated email address (ccsopsu@co.clackamas.or.us) are directly received and maintained by PSU personnel.</i></p> <p>Policy: <i>Complaints will be received in any form and will be processed through the chain of command to PSU for assessment in accordance with this policy.</i></p> <p><u>Direction:</u> Implementation subject to collective bargaining regulations and 2020 contract negotiations with Clackamas County Peace Officers Association</p>
4	<p>CCSO should plan objective audits of PSU’s complaint triage process aimed at enhancing consistency, fairness and the confidence of CCSO employees and the public in the process.</p>	<p><u>Position:</u> Accept Recommendation. Update to <i>Policy #18 Professional Standards</i>, section 36, to add audit requirement: Annually, the Sheriff will audit the complaint intake and assignment process of the Professional Standards Unit to evaluate</p>

		<p>consistency and fairness. Audit findings will be included in the PSU Annual Report.</p> <p><u>Direction:</u> implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association</p>
5	<p>CCSO should modify their policy to ensure that subjects of all internal investigations are notified in writing.</p>	<p><u>Position:</u> Accept recommendation regarding notification of disposition which is provided in writing to all subject employees. However, while the initiation of a Level I investigation requires written notice to the employee, a level II investigation is initiated with verbal notice to the employee. This has been a long standing practice made at the request of personnel.</p> <p>Language update made to clarify practice in, <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 46, and <i>Policy #18 Professional Standards</i>, sections 11 & 12:</p> <p>Manual: Upon conclusion of a case, PSU will notify the CCSO employee(s) of the investigation results in writing for both Level I and Level II Investigations. PSU will provide <i>written notification to the complainant</i> for both Level I and Level II investigations. PSU will not disclose disciplinary outcome to the complainant due to confidentiality requirements.</p> <p>Policy Notice to the affected parties shall be as follows:</p> <p>Level II Investigation - supervisor <i>will notify the complainant and affected employee(s) verbally</i> 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</p>

		<p>every thirty (30) days thereafter until resolved;</p> <p>Level I Investigation - <i>PSU will notify the complainant in writing</i> that the matter will be investigated, and will endeavor to complete the investigation within 90 days after receipt. <i>PSU shall advise the affected employee(s) of the complaint, in writing</i>, 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</p> <p><u>Direction:</u> Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association</p>
6	<p>CCSO’s current policy should be revised to ensure robust and timely notification to prosecutors when potential criminal conduct of a CCSO employee becomes known. The policy should clearly state:</p> <ul style="list-style-type: none"> a. The interpretation of potential criminal conduct should be broad. b. The Undersheriff should inform the prosecutor’s office when a referral is received from PSU. c. The notification to the prosecutorial entity should be prompt. d. There should be contemporaneous and robust documentation of the referral and the prosecutorial response. 	<p><u>Position:</u> Current practice. Policy reflects timely notification to DA’s Office. Update to <i>Policy #18 Professional Standards</i>, section 13, to address documentation:</p> <p>PSU will notify the Undersheriff/Chief Deputy 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/Chief Deputy, or designee, will promptly notify the appropriate prosecuting authority and the Clackamas County District Attorney’s Office when there is reasonable suspicion that a CCSO employee may have committed a crime. <i>Notification will be documented in the PSU dashboard.</i> PSU shall report criminal complaints against the Undersheriff/Chief Deputy to the Sheriff, and criminal complaints against the Sheriff to the Oregon Department of Justice.</p>

		<p><u>Direction:</u> Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association</p>
7	<p>CCSO should develop policy that disallows internal investigations being assigned to persons of equal or lesser rank than the subject employee.</p>	<p><u>Position:</u> Accept Recommendation in part as resources and circumstances allow.</p> <p>Update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 24:</p> <p>When assigning an investigator, PSU will confer with the accused member’s Chain of Command regarding selection and document the selection in the PSU dashboard. When the complainant is the supervisor of the accused member, <i>consideration will be given</i> to not assigning the investigation to that supervisor. Likewise, <i>consideration will be given</i> to not assigning an investigation to persons of equal or lesser rank than the accused member.</p> <p><u>Direction:</u> Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association.</p>
8	<p>CCSO should create written policy providing further guidance regarding the factors to consider in determining whether to reassign an employee or place her/him on administrative leave during the pendency of an investigation into serious alleged misconduct.</p>	<p><u>Position:</u> Current practice, <i>Policy #19 Discipline</i>, sec 12:</p> <p>Administrative leave. Leave from duty with pay may be imposed by a Lieutenant/Manager or above in the following circumstances:</p> <ul style="list-style-type: none"> a. for investigatory purposes to protect the employee and the CCSO during the fact-finding, investigation process and/or while awaiting imposition of discipline, and b. for non-investigatory purposes such as after a CCSO-related event (e.g. officer-involved use of force or traumatic incident).
9	<p>In cases in which a supervisor has initiated the complaint against the subject employee,</p>	<p><u>Position:</u> Current practice. The appropriateness of administrative leave is evaluated as info is</p>

	CCSO should inquire whether and why the supervisor recommends that the employee be reassigned or placed on leave.	acquired through the course of an employment investigation. A decision to place an employee on administrative leave is informed by the employee's supervisor and made by management in consultation with County Human Resources Department. Invoking administrative leave is a fluid decision and is balanced alongside the strong public policy against putting an employee who is capable of performance on paid administrative leave unless circumstances require otherwise.
10	The decision about whether to place an employee on administrative leave should be fluid and subject to ongoing review.	<u>Position:</u> Current practice. See #9 above.
11	CCSO should create policy that discourages the assignment of an internal investigation to the complainant supervisor.	<p><u>Position:</u> Accept Recommendation. Update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 24:</p> <p>When assigning an investigator, PSU will confer with the accused member's Chain of Command regarding selection and document the selection in the PSU dashboard. <i>When the complainant is the supervisor of the accused member, consideration will be given to not assigning the investigation to that supervisor.</i> Likewise, consideration will be given to not assigning an investigation to persons of equal or lesser rank than the accused member.</p> <p><u>Direction:</u> Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association</p>
12	CCSO policy should be revised to indicate that all interviews relating to an internal investigation should be tape recorded, unless it proves impracticable or when a non-CCSO witness declines. Should these exceptions occur, the file should document all reasons why an interview was not tape recorded.	<p><u>Position:</u> Current practice. Update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 38, and <i>Policy #18 Professional Standards</i> section 22, to address interviews outside of the PSU office:</p> <p>Manual All interviews involving implicated members conducted in the PSU office must be audio and video recorded. The audio and video</p>

		<p>interview files will be tagged appropriately to identify it as a PSU case with restricted access and then uploaded to the electronic storage system. In addition, these audio and video files will have the same purging requirements as other PSU related evidence (see File and Purging section in this manual). These files will also be available for view by the CCPOA as part of the mitigation materials normally provided in disciplinary cases. <i>Interviews not held in the PSU Office will be audio recorded unless impractical or when a non-CCSO witness declines.</i></p> <p>Policy An administrative investigatory interview may be conducted in cases of alleged violation of law or policy. All interviews involving implicated members conducted in the PSU office will be audio and video recorded. 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. <i>Interviews not held in the PSU Office will be audio recorded unless impractical or when a non-CCSO witness declines.</i></p> <p>Direction: Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association</p>
13	CCSO should develop policy that requires all internal investigations to be completed regardless of whether the subject employee separates from the organization prior to or during the pendency of the investigation.	<p>Position: Accept Recommendation; update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, section 40 (h):</p> <p>When an investigation involves an employee who separates from employment, but was an employee at the time of the allegation, PSU will continue to conduct investigations for findings unless directed otherwise.</p>
14	CCSO should modify its policies to ensure that when it receives additional allegations of	<p>Position: Current practice; clarifying language added to <i>Professional Standards Unit (PSU) Procedure Manual</i>, sec 14:</p>

	<p>misconduct, the allegations should be fully investigated.</p>	<p>A PSU case can be assigned a Level I or II category. The assignment category typically takes place during the complaint intake process, however it can also occur any time during an investigation when facts warrant a different category. <i>When an investigation reveals additional allegations of misconduct, the allegations will be fully investigated.</i></p>
<p>15</p>	<p>When CCSO receives an allegation of misconduct, CCSO should ensure that there is an investigation into the matter, no matter the rank of the subject employee.</p>	<p><u>Position: Current practice.</u> Clarifying language is added to <i>Policy #18 Professional Standards</i>, section 11, regarding alleged violations of Undersheriff/Chief Deputy:</p> <p>Duty to Report Employee Violations of Policy or Law Any employee of the Sheriff’s Office who has reason to believe another employee has violated the law, Sheriff’s Office or County policies or procedures, shall immediately report the alleged violation to a supervisor or manager, who will notify PSU. PSU will assess and investigate the allegation consistent with this policy. If the alleged violation involves the employee’s supervisor, the employee shall report the violation to the next step in the chain of command. <i>When the alleged violation involves the Undersheriff/Chief Deputy the report shall be made directly to the Sheriff who will assign the investigation.</i></p>
<p>16</p>	<p>When a significant supervision failure involving more than one supervisor is identified, CCSO should ensure that any subsequent investigation or review be comprehensive and identify all supervisory lapses.</p>	<p><u>Position: Current practice.</u> In the course of an investigation into alleged policy violations by an employee, the Professional Standards Unit also evaluates the competency of supervisor performance for both policy violations and training recommendations. For instances when a sergeant’s failure to supervise has occurred more than 2 years prior, regardless of when the failure was discovered, the violation is considered stale and the County contract with the Clackamas County Peace Officers’</p>

		<p>Association prohibits the Sheriff from imposing discipline. (2017-2020 Agreement Between Clackamas County, Oregon & Clackamas County Peace Officers’ Association, Article 20, section 5)</p> <p>Update to <i>Professional Standards Unit (PSU) Procedure Manual</i>, to memorialize review of supervisory issues:</p> <p>18. When an investigation reveals additional allegations of misconduct, either by the subject employee or other employees, the allegations will be fully investigated. <i>Additionally, when appropriate to the circumstances, PSU will evaluate and identify any supervision failure implicated in the administrative investigation and whether training and/or further investigation is required.</i></p>
17	When a supervisor requests additional investigative help to address delinquent cases or other resource shortages, CCSO should evaluate the need, balance it against other resource needs, and make a considered decision about whether and how to provide assistance.	<p><u>Position:</u> Current practice. Prioritizing resources is a decision we make on a daily basis across our organization. The reality is resources continue to get tighter each year as the County’s population rises and calls for service steadily increase. Since 2009 calls for service have risen by 60%, however we still have the same number of deputies in 2019 that we had in 2009. And, in the 2020-21 budget year the County has directed our office and county departments to make substantial budget cuts.</p>
18	CCSO should devise protocols accompanied with training to ensure that its detectives recognize the importance of informing prosecutors of all that is included in the investigative file and to provide any requested information.	<p><u>Position:</u> Current practice, Law Enforcement Manual (LEM) #61 & #59. The thoroughness and completeness of an investigative file is reviewed by a supervisor before submission to the District Attorney’s Office. Likewise, the supervisor also reviews files declined by the District Attorney’s Office to determine why, and to take follow-up measures when required.</p> <p>LEM #61, section 2</p> <p>Follow-Up Investigative Action – Sergeant Review & Timelines</p> <p>2. Preliminary investigations requiring follow-up shall be forwarded to the applicable supervising Patrol or Detective Sergeant for review of actions necessary for resolution of the</p>

		<p>case file, which shall include examination of the thoroughness and completeness of the investigative actions taken, and assigned to a deputy or detective for follow-up. <i>Completed follow-up investigations shall be reviewed by a deputies/detectives supervisor before a case is closed or submitted to the District Attorney's Office.</i></p> <p>LEM #59, section 3 District Attorney's (DA) Case Close Out/Investigation Feedback</p> <p>3. Cases that the DA declines to prosecute or other procedural observations from the DA will be reviewed by the primary investigators supervising Sergeant or Lieutenant. <i>The supervisor will examine the case report and identify corrective training or further investigation, if needed.</i></p>
19	<p>As in this case, when a supervisor or deputy comes forward with information that eventually leads to a prosecution of a CCSO employee for criminal acts, CCSO should continue to communicate to its personnel an acknowledgement of the fortitude and courage such an act requires.</p>	<p><u>Position:</u> Current practice, Policy #18 Professional Standards, section 11, requires every employee to report employee violations of policy or law. This standard of integrity is strictly adhered to. When an employee steps forward to report a violation that leads to prosecution, support of the employee is managed at the executive level by the Sheriff through the Undersheriff/Chief Deputy. Further, acts of retaliation against the complainant are strictly forbidden by Policy #18, Professional Standards, and County Employment Policies & Practice #2, which applies to every Sheriff's Office employee.</p> <p>Policy 18, section 17(e) No employee shall attempt to obstruct or hinder an investigation by:</p> <p style="padding-left: 40px;">(e) Retaliating against a complainant for filing a complaint and/or, witnesses or potential witnesses because of participation in an investigation</p>
20	<p>In addition to an internal agency-wide notification, CCSO should also continue to ensure that its leadership reach out personally to the individual who came</p>	<p><u>Position:</u> Current practice. See response to #19 above.</p>

	forward in order to express appreciation for fulfilling the ethical values of the organization.	
21	CCSO should review claims and lawsuits as soon as they are received for purposes of identifying potential criminal and/or administrative misconduct and take prompt action if District Attorney notification and/or an investigation is warranted.	<p>Position: Current practice. When a tort claim is received it is forwarded externally to County Risk Management and County Counsel for review and evaluation. Internally, all tort claims are reviewed by the Professional Standards Unit to evaluate possible policy violations to include criminal conduct. Any potential for criminal conduct is reported directly to the Undersheriff/Chief Deputy in accordance with Policy 18, section 13.</p> <p>Language memorializing practice is added to <i>Professional Standards Unit (PSU) Procedure Manual</i>, sec 80.</p> <p>TORT CLAIMS PSU will review tort claims for purposes of identifying potential criminal and/or administrative misconduct. Any potential for criminal misconduct will be promptly reported to the Undersheriff/Chief Deputy.</p>
22	CCSO should institutionalize the disciplinary roundtable process by including it in policy.	<p>Position: Accept Recommendation. Language memorializing practice is added to <i>Professional Standards Unit (PSU) Procedure Manual</i>, sec 81.</p> <p>Executive Team Meeting The PSU supervisor directly reports to the Sheriff and is supervised by the Undersheriff. The PSU supervisor attends Executive Team meetings to provide updates on personnel matters and professional standards investigations, in addition to regularly conferring with the Undersheriff.</p>
23	CCSO should craft closing letters that provide more detail about the investigation, such as the number of witnesses interviewed and the nature of any additional evidence reviewed.	<p>Position: Accept Recommendation. Direction: New closing letter implemented, August 2018</p>
24	CCSO should continue to prioritize, evaluate, and effectuate sufficient staffing levels for the functions of the PSU.	<p>Position: Current Practice. Direction: Additional detective added to the Professional Standards Unit, September 2018</p>

25	CCSO should devise a monitoring program that ensures that every employee has an annual performance evaluation, that the evaluation is signed, and that evaluations are reviewed to determine whether they meet minimum standards.	<p><u>Position:</u> Over the course of 2018-2019, the County Human Resources Department (HR) redesigned employee evaluations for all county departments and elected offices. As a result, the Sheriff's Office is preparing to implement a new performance review, specifically designed for the Sheriff's Office. While county minimum standards require performance reviews to be administered annually, the Sheriff's Office will engage sworn employees in assessments every six months.</p> <p><u>Direction:</u> Implementation subject to collective bargaining regulations and March 2020 contract negotiations with Clackamas County Peace Officers Association.</p>
26	For every case in which the supervisor finds that an employee did not meet expectations CCSO should ensure that the evaluation is reviewed to learn whether a work plan should be devised or an investigation should be initiated into the performance deficiencies.	<p><u>Position:</u> Current practice. Work plans are designed to assist an employee's work performance so that priorities and needed outcomes are understood by both the employee and management. When considering the imposition of a work plan, the Sheriff's Office works in consultation with the County Human Resources Department (HR) to develop the plan.</p>
27	CCSO should provide guidance to its supervisors on the preparation of work plans and develop written protocols so that every work plan has milestones and measures of success and remediation.	<p><u>Position:</u> Accept Recommendation. In early 2019, the Sheriff's Office in collaboration with the County Human Resources Department, convened a workgroup to design training specific to this recommendation and the implementation of a new Sheriff's Office performance management review tool. Training on performance management and implementation of work plans occurs annually for supervisors and at the time of promotion. Training for 2020 has been completed.</p>
28	CCSO work plan protocols should require the supervisor to regularly log reports of the employee's progress (or lack thereof). The work plan protocols should also require a memorandum from the supervisor documenting successful completion or recommending more serious remediation if the plan's goals have not been achieved.	<p><u>Position:</u> Accept Recommendation. See response above to #27.</p>

29	The new auditing unit of CCSO should regularly audit performance evaluations and work plans in order to achieve consistency and ensure a level of quality control.	<u>Position:</u> The Quality Assurance Unit does not oversee performance evaluations. Rather, it functions to evaluate the thoroughness of report writing, and timeliness of patrol investigations. Performance evaluations are the responsibility of each supervisor and manager. Captains in turn assure that evaluations are timely completed, and review and approve each evaluation.
30	When a formal investigation is launched and results in a founded determination, employee work performance as indicated in performance evaluations and work plans should be considered in determining the type and level of accountability and discipline.	<u>Position:</u> Current practice: <i>Policy #19 Discipline</i> , section 8 (b): In determining appropriate discipline, it is recognized that similar discipline should normally be imposed for similar violations; however, equal treatment does not necessitate identical discipline. The following non-inclusive factors, if applicable to the particular case, should be considered, especially in those instances in which more severe discipline is a possibility: b. Employees past record: <i>The employees past work record, including performance on the job, and past discipline record. Note the employee's ability to get along with fellow employees, the public and dependability;</i>
31	After a civil judgment or significant settlement involving CCSO activity, CCSO should take lead in a coordinated county assessment of the factors contributing to the outcome, should devise corrective actions as relevant and needed, and should inform the public of any systemic reforms resulting from this process.	<u>Position:</u> Current practice. The Incident Review Board (IRB) is an internal review board that reviews significant incidents for the purpose of identifying whether policies were followed and to make recommendations, if any, on future training or safety measures identified in the review. The Support Services Division Commander is responsible for monitoring and reporting on the implementation status of any recommendations by the IRB, including policy reform. This review is done with the participation of County Counsel. (Support Services Manual, section 19)
32	CCSO should implement the 2011 Advisory Committee recommendation and devise an Early Intervention System.	<u>Position:</u> Accept Recommendation. We recognize that performance and health are inextricably bound. And that building and sustaining an employee wellness program is critical to counter the demand and stress of a

		<p>law enforcement career. Law enforcement agencies around the country are recognizing the importance of prioritizing employee health by creating wellness units dedicated to the goal of promoting an agency-wide culture of wellness. Toward that end, we have asked the County to fund an early intervention program since 2011. The reality is the County has directed our office and county departments to make substantial budget cuts in the 20-21 budget year and we will not see funds anytime soon to stand-up an early intervention/wellness unit. What we have done to focus on wellness within our current budget, is consolidate our Risk Management and Training Units to take advantage of crossover information that identifies incidents of risk that may in turn inform training and performance. Within these functions, we strive to bring wellness awareness and support. It's a good effort, working within the resources we have, but it falls short of meeting the critical role an officer wellness program plays in daily police work.</p> <p><u>Direction:</u> Recommendation is subject to County budgetary approval.</p>
33	Once the EIS is operational, CCSO's Early Intervention System should regularly incorporate the input of first-level supervisors to identify deputies who might benefit from the remedial aspects of the program.	<p><u>Position:</u> Accept Recommendation. See response to #32 above.</p> <p><u>Direction:</u> Recommendation is subject to County budgetary approval.</p>
34	CCSO and the County should devise and promote a mediation program to resolve civilian complaints outside of the traditional disciplinary process.	<p><u>Position:</u> At the conclusion of an investigation stemming from a citizen-complaint, the Professional Standards Unit (PSU) advises the complainant in writing of the disposition of the investigation. At that time the citizen is invited to meet either with the Sheriff or the PSU supervisor to discuss the complaint further.</p>
35	CCSO should consider creating a restorative justice disciplinary program to address courtesy violations or other low-level violations involving deputy/civilian contacts.	<p><u>Position:</u> Strengthening ties between the Sheriff's Office and the community is part of what we strive to do every day through our focus on community policing. Citizen-complainants who want to meet with the Sheriff's Office to address any concern may do</p>

		so, including a meeting with the Sheriff. Additionally, voluntary mediation is available through Clackamas County Resolution Services.
36	CCSO should consider integrating the work of background investigators, professional standards, training, policy development, and the wellness program into one unit.	<u>Position:</u> The Sheriff’s Office regularly examines operational efficiencies and realignment of divisions and units for effective delivery of services within our resources. In 2019, the Risk Management and Training units were combined to better inform training needs. In the current budget, the county has not approved funds to support a Wellness Unit. In that absence, the training curriculum strives to provide wellness/support programs. The Support Services Division, continues to oversee background investigations. The Professional Standards Unit, is an independent unit that reports directly to the Sheriff. Training recommendations from the Professional Standards Unit are reported at the Sheriff’s bi-weekly Executive Team meetings and discussed with captains to include the captain in charge of the Risk Management/Training Unit.
37	CCSO should regularly conduct and publicize systemic audits of key functions that impact the quality of the Department and the service provided to its public.	<u>Position:</u> Over the course of 2019, the Sheriff’s Office worked with a consultant team to implement a managing for results system based on strategic planning, performance budgeting and a focus on delivering measurable services to our citizens. Our office, will be engaged in the managing for results process over the next 5 years as we implement our strategic business plan to measure key functions that impact the quality of our public service. Our measures will be available to the public beginning second quarter 2020 and posted on our website.
38	CCSO should interpret the DPSST notification requirements upon separation of an employee liberally, so that DPSST can be fully informed of the circumstances surrounding any employee’s departure and should not reinterpret “retirement under investigation” to mean “retirement under serious investigation”.	<u>Position:</u> DPSST has updated its Notification of Separation form to eliminate categories such as “retirement while under investigation”. Law enforcement agencies are now required to provide narrative information describing circumstances surrounding separation from service.
39	CCSO’s Public Information and Media Release Policy should contain overarching language	<u>Position:</u> Current Practice. While this has been practice, the recommendation is written into

	recognizing the importance of accuracy in information released to the public.	<p>Policy #33, section 2, <i>Public Information and Media Relations</i>:</p> <p>The PIO (public information officer) provides lead work supervision and direction to the PIU (public information unit) and is responsible to the Sheriff for the development, coordination and implementation of PIU activities related to media, business and community relations. <i>The PIO is responsible for assuring the accuracy of information released to the public.</i></p>
40	When a press statement is challenged, CCSO should examine the challenge and take appropriate action, including clarifying the challenged information when appropriate.	<p><u>Position:</u> Current practice. While this has been practice, the recommendation is written into Policy #33, section 4(f), <i>Public Information and Media Relations</i>:</p> <p>Duties relating to news media may include the following:</p> <p>(f) Evaluate and as necessary, respond when the accuracy of information in a press release is challenged, including clarifying or publicly retracting the challenged information when appropriate.</p>
41	CCSO Policy should instruct the PIO to document and maintain the author or contributor of any media release.	<p><u>Position:</u> Current practice. While this has been practice, the recommendation is now written into Policy #33, section 3(f), <i>Public Information and Media Relations</i>:</p> <p>The duties of the PIU (public information unit) may include the following:</p> <p>(f) Document and maintain the author of any media release.</p>
42	CCSO should devise policy that sets out the new child abuse referral review process.	<p><u>Position:</u> Accept recommendation. <i>Law Enforcement Manual #70, Child Abuse</i>, has been updated to add the following language the Child Abuse Team (CAT) sergeant’s responsibilities:</p> <p>Review of 307-DHS Reports & Investigation Assignment. The Oregon Department of Human Services (DHS) and law enforcement agencies are required to cross-report and share information with each other that may concern child abuse. (OAR 412-015-0305) The Child</p>

		<p>Abuse Team (CAT) receives and investigates "cross-reporting" intake forms from DHS, called 307 Reports. These reports are received daily and document possible cases of child abuse. Each report requires an assessment by the CAT sergeant who will determine whether the report will be considered information only, or will be investigated by child abuse detectives, or assigned to patrol for preliminary investigation, or require a welfare check.</p> <p>307-DHS Report Referral to Contract City. When the CAT sergeant determines a response is required in a contract city, the CAT sergeant will promptly forward the 307-DHS report to the on-duty city sergeant who will assign follow up to either the city detective or patrol. If the referral needs immediate attention and no city sergeant can be reached, then the CAT sergeant will insure it is assigned to the appropriate patrol deputy or detective.</p>
43	<p>In setting out the new child abuse referral review process, CCSO should set time limits for when the initial vetting by the Child Abuse Team should be accomplished.</p>	<p><u>Position:</u> Non-emergency child abuse 307-cross reports from the Oregon Department of Human Services (DHS), sent to the Sheriff's Office, are reviewed by the Child Abuse sergeant during day-shift business hours. Any child abuse report from DHS that needs immediate attention is sent directly to law enforcement dispatch for an immediate patrol response.</p>
44	<p>In selecting sergeants for contract city assignment, CCSO should work to ensure that at least one sergeant so assigned has sufficient investigative experience to effectively supervise the station detective.</p>	<p><u>Position:</u> The collective bargaining agreement between the County and the Clackamas County Peace Officers' Association, Article 6, does not allow Sheriff's Office management to select either deputies or sergeants for contract cities. Those assignments are self-selected, based on seniority. With respect to experience to effectively supervise, all sergeants assigned to cities are expected to perform the same lead worker-supervisory duties as any other sergeant within the Sheriff's Office. Central to this role is overseeing that investigations are progressing toward timely completion in accordance with, <i>Law Enforcement Manual #61, Follow-up Investigations</i>, section 3(b) & (c):</p>

		<p>(b) Detective cases are due within 90 days of assignment. Cases assigned to detectives are, by their nature, more complex and often more time consuming than those assigned to Patrol. Detectives shall actively investigate assigned cases and keep investigations progressing towards completion. The due date can be extended in increments up to 90 days upon a Detective Sergeant’s approval. Any requests and subsequent approvals/denials will be tracked in the records management system. Detective Sergeants will ensure detectives are actively working their cases and cases do not sit without activity unless waiting for something outside a detective’s control (i.e. awaiting lab results, District Attorney review, etc.); and</p> <p>(c) Patrol and Detective Sergeants shall monitor the progress of all assigned investigative files/cases assuring they are completed in a timely and thorough manner. On a 60 day interval Patrol Sergeants shall report the status of all open and assigned case files to their supervising Lieutenant/Watch Commander. On a 90 day interval Detective Sergeants shall report the status of all open and assigned detective case files to their supervising Lieutenant/Watch Commander.</p>
45	<p>CCSO should set out expectations to its contract city detectives to regularly “check in” with the headquarters units to attend briefings, training, or receive updates from the supervisors of the detective teams.</p>	<p><u>Position:</u> Current practice. Many case-types naturally engage the city-detective in regular communication with the Sheriff’s Office Investigations Division. For example, child abuse cases are assigned by the Child Abuse Team sergeant, to include all city-detective referred cases. Likewise, city-detectives attend quarterly Investigations Division meetings and detective trainings. They also attend monthly Major Crimes Team meetings, and participate in county law enforcement, on-call rotation for callouts.</p>

46	CCSO should work with the County and the CCPOA to consider the feasibility of moving sergeants to a separate bargaining unit.	<u>Position:</u> Following this recommendation, as we have done in the past, we asked both the County Administrator and the County Human Resources Department to explore the feasibility of moving sergeants to a different bargaining unit. Our office was advised it would be too expensive to accomplish and the Board of County Commissioners would not support the recommendation.
47	CCSO should resume publishing regular Annual Reports including crime data but also publish CCSO community engagement initiatives.	<u>Position:</u> Accept Recommendation. The Sheriff's Office new case management system is in its second year of operation and supports data reporting, the prior system did not. An annual report for 2019 crime data is under draft and will be posted on the Sheriff's Office website in second quarter 2020.
48	CCSO should regularly publish on its website cumulative data and analysis regarding the use of force, civilian complaints, and administrative investigations.	<u>Position:</u> Accept Recommendation to publish on website. In accordance with Policy #18, the Professional Standards Unit, provides an annual report to the Sheriff to include cumulative data and analysis regarding use of force complaints, civilian complaints, and the number of internal administrative investigations. The report is finalized following closure of the preceding year's investigations, typically by the second quarter of the year.
49	CCSO should place its Policy Manual on its website.	<u>Position:</u> Accept Recommendation. All Sheriff's Office policies (1-37) are listed and accessible on the Sheriff's Office website: https://www.clackamas.us/sheriff/policy.html Until late 2019, no county department had policies available to the public on the County website. While some county departments have recently posted policies, others have not. And some departments have no policies by which to inform the public of their practices.
50	The County and CCSO should work with an outside entity to periodically review or audit key CCSO functions relating to transparency and accountability, including the complaint process, administrative investigations, uses of	<u>Position:</u> The Sheriff's Office is committed to transparency of our practices and accountability to our citizens. That is why the Sheriff's Office engaged the OIR Group in a review of our investigation practices and employee

	<p>force, policy development and enforcement, and training issues and to issue public reports regarding the findings.</p>	<p>performance measures. For nearly a year, the Sheriff's Office assisted OIR in their review. In June 2018 OIR issued its recommendations and we made them available to the public on our Sheriff's Office website. Nearly all of the OIR's recommendations have been accepted and are embodied in our policy and practices. We view OIR's recommendations as an opportunity to strengthen our policies and practices, and advance our commitment to excellence. Moving forward we will continue to evaluate best practices and make necessary changes. Our engagement with OIR has concluded.</p>
<p>51</p>	<p>To the degree that the Recommendations in this Report are accepted, the County should engage with an outside entity to report publicly on the success of implementation.</p>	<p><u>Position:</u> Recommendation is addressed to the County, not the Sheriff's Office. While we appreciate this recommendation advances the business interest of the OIR Group, our engagement with OIR has concluded. The Sheriff's Office met our commitment to take a hard look at our practices. We fully cooperated with OIR, thoughtfully engaged their recommendations and made changes to improve our practices. The public may at any time inquire about any of our practices by contacting our office 503-785-5000.</p>