

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 1.02</b>
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; March 2, 2016; November 5, 2018; July 30, 2019
<b>CHAPTER:</b> Sheriff's Office Role and Authority		Related Policy: G.O. 3.04 (Orders and Chain of Command)
<b>SUBJECT: Authority and Responsibility/Command Protocol</b>		Related Laws: ORS 206.010

**POLICY:** The Sheriff is cognizant of his duties under the law and may delegate authority and responsibility as he deems necessary and appropriate. An Executive Command Officer will be designated to act in the capacity of the Sheriff, if the Sheriff is out of the County or is otherwise unavailable for more than 24 hours.

**RULE:** Supervisors and managers shall exercise proper judgment and exercise discretion commensurate with the standards of a reasonable and prudent supervisor or manager and in accordance with the procedures of this order.

**PROCEDURE:**

I. General Duties of the Sheriff as Specified in ORS 206.010

- A. The Sheriff is the Chief Executive Officer and Conservator of the Peace of the County. In the execution of the Office of Sheriff, it is the Sheriff's duty to:
  1. Arrest and commit to prison all persons who break the peace, or attempt to break it. Arrest and commit to prison all persons guilty of public offenses.
  2. Defend the County against those who, by riot or otherwise, endanger the public peace or safety.
  3. Execute the process and orders of the Courts of Justice or of Judicial Officers, when delivered to the Sheriff for that purpose, according to law.
  4. Execute all warrants delivered to the Sheriff for that purpose by other Public Officers according to law.
  5. Attend, upon call, the Supreme Court, Court of Appeals, Oregon Tax Court, Circuit Court, Justice Court or County Court held within the County, and obey its lawful orders or directions.

II. Command Protocol

- A. If the Sheriff is out of the county or is otherwise unavailable to perform his duties, and he does not specifically designate otherwise, the Sheriff hereby designates an acting sheriff in accordance with the below listed protocol:
  - 1. Chief Deputy
  - 2. Police Services Division Captain.
  - 3. Corrections Division Captain.

III. Top Management Decision Making Parameters

- A. Top Management consists of the Sheriff as the Chief Administrative Officer of the Sheriff's Office assisted by employees holding the rank of Chief Deputy, Captain, title of Executive Officer, and similarly responsible positions within the Sheriff's Office. Top Management personnel are accountable to the Sheriff or the Sheriff's designee.
- B. Top Management personnel have the authority and are responsible and accountable for the efficient and effective management and administration of a division or component of the Sheriff's Office. They are indirectly responsible for the maintenance of intradepartmental cooperation and the support and promotion of the "One Sheriff's Office" and "Common Goal" concept.
- C. Top Management personnel routinely assist the Sheriff in developing administrative and operating policy for the Sheriff's Office, utilizing the collaborative, consultative, or autocratic models of decision-making, depending on the type of problem and depending on existing time constraints and available resources and manpower. Emphasis is placed on participative management utilizing the consultative, collaborative/consensual models whenever possible and practical. Top Management personnel have the authority to make individual and collective decisions that affect their particular sphere of assignment and responsibility, after due consideration of existing policy, rules, and procedures. Decisions that modify or substantially deviate from existing policy, rules, and procedures must be approved by the Top Management group or by the Sheriff, except in emergency or exceptional circumstances requiring on-the-spot decisions. Decisions that affect other divisions or components outside the recognized sphere of responsibility should not be implemented without consultation and agreement of the Top Management employee who will be affected by the decision and with the common goal of the Sheriff's Office as a whole in mind.
- D. Top Management personnel are to be familiar with and well versed in the existing general orders of the Sheriff's Office and shall continually review these orders to ensure they are being complied with and that the orders are practical, workable, and current with existing law and modern Law Enforcement practices. Whenever

a general order need or deficiency is discovered, the Top Management personnel shall thoroughly research the matter, document the problem and the recommended resolution, and submit the matter for resolution at the next scheduled Top Management staff meeting. Resolution may consist of delegating the matter to the Mid-Management group, supervisory groups, or other appropriate committee. When work and projects are delegated by the Top Management team or the team's designated representative, it is incumbent on Top Management to appoint one person to be responsible and to delegate commensurate authority to that person to accomplish and complete the task within the group or committee framework, within the given established guidelines and within given time frames. The type of decision expected will be clarified so that those involved will have a thorough understanding of imposed expectations.

- E. Top Management personnel have the delegated authority to implement discipline up to and including a suspension without pay and/or equivalent salary sanction for fifteen (15) days (Employees shall not have suspension from duty without pay and/or equivalent salary sanction imposed without prior consultation with County Human Resources Labor Relations and the Office of County Counsel).
- F. Top Management personnel have the delegated authority to preside over all pre-disciplinary hearings. The Sheriff must authorize any discipline of suspension without pay and/or equivalent salary sanction that is greater than fifteen (15) days or termination.

#### IV. Mid-Management Decision Making Parameters

- A. Mid-Management normally consists of employees holding the rank of Lieutenant, title of Office Manager, or a similarly responsible position within the Sheriff's Office. This position may be responsible for the management of a section or shift, within a particular division, and is accountable to the Captain in charge of that division. In the absence of the Captain, the Mid-Management person assumes command and responsibility as the Captain's emissary and official representative within the sphere of their specific assignments.
- B. Mid-Management personnel have the authority to make individual and collective decisions that affect their particular sphere of responsibility and their assignment, after due consideration to existing applicable general orders. The Division Commander will approve decisions that modify or substantially deviate from existing orders, except in exceptional or emergency circumstances. Decisions that affect other shifts, sections, or components outside their sphere of responsibility should not be implemented without the agreement, consultation, and concurrence of the Mid-Management employee who will be affected by that decision.
- C. Mid-Management personnel have the individual and collective responsibility to continually review existing general orders for applicability and practicality and to ensure they are current with existing law and modern Law Enforcement practices.

Whenever a deficiency is discovered, it is the duty of all Mid-Management personnel to document the discrepancy, formulate a recommended change with justification, and forward their recommendation through the chain of command. The same procedure shall be utilized whenever a need is discovered for a new general order to cover a given situation or condition not presently addressed or regulated. Mid-Management work groups and committees will reach decisions and make recommendations according to these guidelines and pursuant to the consultative model concept unless direction is received that the specific issue is to be handled and resolved through the collaborative/consensual model. In the latter case, clarification shall be made by an authorized representative of the Top Management group with specific instruction and information pertinent to the issue to be resolved and a specific person shall be given the authority and commensurate responsibility to obtain a decision in the matter within the given time frames and guidelines, which should be developed consensually when appropriate and whenever possible.

- D. Mid-Management personnel have the delegated authority to implement discipline up to and including a suspension without pay and/or equivalent salary sanction for ten (10) days Employees shall not have suspension from duty without pay and/or equivalent salary sanction imposed without prior consultation with County Human Resources Labor Relations and the Office of County Counsel).
- E. Mid-Management personnel have the delegated authority to preside over all pre-disciplinary hearings. Any discipline that is greater than suspension without pay and/or equivalent salary sanction for ten (10) days must be approved by Top Management.

V. First Line Supervisors Decision Making Parameters

- A. First Line Supervisors normally consist of employees holding the rank of Sergeant, Communications/Records Supervisor, or a similarly responsible position within the Sheriff's Office. This position will be responsible for the supervision of a shift, work-group, or section within a particular division and accountable to a Lieutenant, Office Manager, or Captain within that division. In the absence of the Lieutenant or Office Manager, the First Line Supervisor assumes command and responsibility as the Lieutenant's or Office Manager's emissary and official representative within the sphere of their specific assignments.
- B. First Line Supervisors have the authority to make individual and collective decisions that affect their particular sphere of responsibility and their assignment, after due consideration to existing general orders. A higher authority will approve any decisions that modify or substantially deviate from existing orders, except in exceptional or emergency circumstances. Decisions that affect other shifts, sections, divisions, or components outside their sphere of responsibility should not be implemented without the agreement, consultation, and concurrence of the

First Line Supervisor whose employee will be affected by that decision, as well as the approval of the Mid-Management authorities responsible for each section or group.

- C. First Line Supervisors work directly with subordinates to see that their assigned work is accomplished in an acceptable manner, while endeavoring to develop those subordinates into a more willing and effective worker by exercising the necessary leadership skills in making work assignments, giving instructions, correcting errors, and maintaining communications between subordinates and higher supervision.
- D. First Line Supervisors have the individual and collective responsibility to continually review existing general orders for applicability and practicality and to ensure they are current with existing law and modern Law Enforcement practices. Whenever a deficiency is discovered, it is the duty of all First Line Supervisors to document the discrepancy to a higher level.
- E. First Line Supervisor work groups and committees will reach decisions and make recommendations according to these guidelines and be consistent with the consultative model concept unless direction is received that the specific issue is to be handled and resolved by another process. In any case, clarification shall be made by an authorized representative of the Top or Mid-Management group with specific instruction and information pertinent to the issue to be resolved, and a specific person within the First Line Supervisory group shall be given the authority and commensurate responsibility to obtain a decision in the matter within the given time frames and guidelines. The time frames and guidelines should be consensually developed when appropriate and whenever possible.
- F. Specific Responsibilities for First Line Supervisors are:
  - 1. HIRING: First line supervisors are expected to serve as the Chairs of an Oral Examination Board for the purpose of testing the suitability of candidates for employment. This responsibility shall be rotated regularly to assure equal distribution of that opportunity. As the chair of the Board, in coordination with the Sheriff's Office Human Resources Section, first line supervisors will be responsible for coordinating the development of objective job related questions, as well as developing acceptable anticipated answers. In coordination with the Sheriff's Office Human Resources Section, first line supervisors will be responsible for the grading methodology and accuracy and standardization of scores of each applicant. First line supervisors will have the authority and the responsibility to recommend the applicant move forward or be removed from the hiring process based upon successful or unsuccessful scores and for an articulated objective rationale, assuring no bias or discrimination occurs during the oral examination process.

2. BACKGROUND INVESTIGATIONS: First line supervisors may be given the responsibility to complete an in-depth background investigation on successful job applicants prior to their final hiring as an employee of this Sheriff's Office. This background investigation shall be conducted utilizing the established procedures for that investigation and assuring that all of the hiring standards have been met successfully by the applicant. As the background investigator, the first line supervisor will have the authority and the responsibility to effectively recommend the hiring and/or rejection of each applicant for a position with this Sheriff's Office. This recommendation will be final when articulated, non-discriminatory, objective rationale is developed and presented with a recommendation, unless new additional derogatory information is developed which would disqualify the eligibility of the applicant.
3. PROMOTIONAL AUTHORITY: The first line supervisor will be expected to participate as a member of the oral examination and selection Board for promotion of employees to first line supervisory rank and to participate in the recommendation or rejection of those applications for consideration for promotional opportunities with this Sheriff's Office. This opportunity shall be rotated to insure all first line supervisors have an opportunity to participate in this process.
4. PERFORMANCE EVALUATIONS: The greatest asset of a first line supervisor is their ability to effectively fulfill their responsibility to develop and motivate their subordinates. The first line supervisor should continually be formally and informally appraising each subordinate, as every employee has the right to be told honestly and objectively of their level of performance. The immediate first line supervisor is the most appropriate person to perform this task. Every employee deserves the right to know how to be able to improve their performance, to understand how their job contributes to the organization or mission of the Sheriff's Office, to be recognized for their efforts, and to know when they are performing tasks accurately and professionally, as well as when they are performing below acceptable standards. The first line supervisor shall have the responsibility of completing performance evaluations of all assigned subordinates in conformance with established County policy. This evaluation will be responsible for the awarding of merit pay increases to those deserving such increases and will be responsible for the withholding of merit pay increases for those deemed not eligible for such merit increases. Therefore, evaluations should be as objective and accurate as possible. Comments and grades will not be arbitrarily changed by the supervisor of the first line supervisor. However, a discussion may occur concerning any disagreement, leaving the decision to change or modify the evaluation to the first line supervisor. A supervisor of a first line supervisor may add additional comments and/or addendum as deemed necessary for objective, articulated comments and/or objective, articulated

reasons. Changes and/or modifications of the first line supervisor's individual comments and/or grading of a subordinate will be changed only through the established County appeal process.

5. PROBATIONARY EMPLOYEES: A first line supervisor is a trainer and a leader of subordinates. It is the responsibility of a first line supervisor to indoctrinate the new employee into the duties and expectations of the Sheriff's Office, with strong emphasis on the ethics of the profession and how that employee fits into the overall organization. The employee must be instructed, trained, and retrained, if necessary, in order that they know what to do, how to do it, and what is expected of them in all types of situations, including dangerous situations. Not all persons are qualified or have the capabilities of becoming efficient, capable employees of this Sheriff's Office. If after training and remedial training, an employee still does not appear to meet the standards expected by the first line supervisor and as developed by this Sheriff's Office, then that employee should be rejected for further consideration of a continued employment relationship with this Sheriff's Office. It is the first line supervisor's responsibility to appropriately evaluate new employees and to recommend the discontinuation of their probationary status for articulated, objective, non-discriminatory reasons. When this has been accomplished, the authority will be delegated to their first line supervisor to terminate the probationary employee's employment relationship with this Sheriff's Office.
6. TRAINING AND CAREER GUIDANCE: Individual employee development is a vital part of the personnel process in all organizations. Individual career development is a function of a long series of job and training accomplishments. The first line supervisor is directly involved and responsible for the timely fulfillment of on-the-job training and basic certification requirements of personnel. The first line supervisor also provides for the successful completion of in-service training programs to encourage continued development, to maintain and achieve higher certification levels, and the assignment of specialized courses that will enhance individual employee development. The first line supervisor shall include consideration of individual goals of assigned employees through actively involving them in the development and implementation of a career development plan.
7. CONTROL AND MANAGEMENT OF RESOURCES: The first line supervisor's task is to create a working environment conducive to productivity. It is expected that the first line supervisor will be frugal in their management of resources and should utilize the total resources of the Sheriff's Office as if they are their very own, instituting controls that assure their subordinates do the same. As the largest part of the Sheriff's Office's budget is for salaries of personnel, the controlled use of human resources should be the first line supervisor's number one priority. In

managing human resources, the first line supervisor must realize that the Sheriff's Office mission and objectives can only be achieved through this resource. First line supervisors have the responsibility and authority to schedule subordinates assigned to them to specific shifts, post assignments, and/or other duty assignments within their parameters of control.

First line supervisors have the authority to schedule and approve all leaves with pay for their assigned personnel, to include vacation, personal days, holidays, sickness, bereavement, and other forms of paid leave, as long as such approval is in compliance with existing County policy and/or existing labor agreements, with the goal of maintaining the efficient operation of the Sheriff's Office. First line supervisors have the responsibility and authority to authorize and require their subordinates to work overtime and to authorize overtime compensation for those hours worked.

8. LABOR CONTRACT ADMINISTRATION: First line supervisors are required to be familiar with labor agreements governing the subordinates assigned to them and are charged with the responsibility and commensurate authority to insure that the labor agreement is adhered to and properly administered. First line supervisors are in nearly all instances the first step of any informal or formal grievance submitted by an employee pursuant to a labor agreement. First line supervisors are expected to utilize their authority to resolve grievances on their own initiative whenever it is discovered that an obvious violation of the labor agreement has occurred. The first line supervisors are expected to modify and/or correct their own mistakes and misinterpretations of the labor agreement, or to reverse orders that have obviously violated the labor agreement. Those grievances that occur as a result of decisions made outside and beyond the sphere of the first line supervisor's authority may not be immediately resolved, which will require consultation with the immediate supervisor of the first line supervisor. Even in those instances, the authority may be delegated to the first line supervisor to resolve the grievance at their level. Before finalization of a response to a formal grievance, the first line supervisor should confer with their immediate supervisor to assure that the response is consistent with Sheriff's Office policy, precedents, and past practice as it relates to the incident or matter of grievance.
9. DISCIPLINE: Discipline is a distinct function of supervision. It is an important resource utilized by the effective supervisor as a way to attain their objectives and the objectives of the Sheriff's Office, and discipline is effective when the supervisor and subordinate strive to achieve the same goals together. A well-disciplined employee is not a well-punished employee, but is an employee who through motivation seeks to voluntarily comply to expected standards and controls, and strives to achieve the

mission and objectives of the Sheriff's Office. When deviation from this expectation occurs, then it becomes necessary to train, to provide remedial training, or to resort to punitive measures when other methods fail or when the deviation of conduct warrants punitive action.

The first line supervisor has the responsibility and authority to administer discipline. In exigent circumstances, the first line supervisor, of their own authority, may suspend an employee from duty with pay for any part of a day up to a maximum of thirty days (County Policy) when the offense necessitates the employee be separated from the working environment.

First line supervisors have the delegated authority to implement discipline up to and including a suspension without pay and/or equivalent salary sanction for three (3) days. Prior to implementing discipline, first line supervisors shall consult with County Human Resources Labor Relations and the Office of County Counsel).

First line supervisors have the delegated authority to preside over pre-disciplinary hearings that fall within their discipline administration authority. Any discipline that is greater than suspension without pay and/or equivalent salary sanction for three (3) days must be approved by Mid-Management.

10. INTERNAL INVESTIGATIONS: First line supervisors of this Sheriff's Office will routinely be assigned the responsibility and authority to complete internal investigations concerning suspected misconduct of subordinate employees. The first line supervisor will have the authority to require cooperation by all employees involved in an investigation, to include the authority to require answers to questions relating to the investigation that are narrowly, directly, and specifically related to the job function or to Sheriff's Office duties. These investigations will be conducted in conformance with existing procedural guidelines of the Sheriff's Office and at all times conducted in an impartial, fair, and equitable manner. The investigating first line supervisor shall have the responsibility to recommend a finding of sustained, not sustained, unfounded, or exonerated, when that conclusion is supported by a preponderance of evidence. First line supervisors may also have the responsibility and authority to conduct criminal investigations involving employee conduct pursuant to existing Sheriff's Office procedures.
11. INSPECTION DUTIES: First line supervisors not only have the responsibility to review the work and efficiency of their subordinates, but have individual responsibilities to continually review existing procedures, rules, regulations, and policies for applicability and practicality, and to insure they are current with existing law and modern Law Enforcement practices to accomplish the task in an efficient manner. Whenever a

discrepancy, deficiency, or contradiction is discovered, it is the duty of all first line supervisors to document the discrepancy and to recommend a proper corrective action to rectify the problem. First line supervisors have the authority to immediately institute needed change to prevent potential liabilities to the Sheriff's Office. Deviation from existing procedures, rules, regulations, and policies shall then be reported to the immediate supervisor of the first line supervisor. Personal attention and personal inspection with controls will contribute directly to the first line supervisor's ability to manage the effective use of Sheriff's Office resources and to attain the most with the least. It is essential that the first line supervisor's inspections check and show the results of the procedures currently being utilized to determine the need for modification and provide accountability and justification for the modification.

12. DOCUMENTATION: First line supervisors must get in the habit of documenting (emphasis added). It is impossible to commit to memory all incidents concerning each subordinate, both good and bad, and it is just as difficult to be objective and unemotional at all times. Written documents are generally subject to some form of inspection and create an atmosphere of fairness. When documentation is completed accurately and professionally, the Sheriff's Office and the individual benefit. Documentation should become the first line supervisor's tool to assist in the completion of performance evaluations of subordinates and to assist in making assignment recommendations, merit pay increases, promotion of subordinates, and nearly all other decisions routinely made by a first line supervisor.
  
13. ASSIGNMENT OF SUBORDINATES: Before employees are reassigned to other sections or divisions of the Sheriff's Office, the first line supervisor will normally be asked to recommend or deny the reassignment of the employee, based on articulated, objective reasons. Assignments, therefore, will not be routinely made without the endorsement of the immediate supervisor(s) indicating that the employee is performing adequately with a reasonable expectation they will do well in the new assignment.