

From: [Brandenburg, Angela](#)
To: [Kemple Toni C](#)
Subject: Commission Meeting Material
Date: Wednesday, May 25, 2022 9:19:14 AM
Attachments: [CCSO Policy #14 Code of Conduct \(Proposed\).pdf](#)

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Good Morning,

I noticed that the Commission packet included the Clackamas County Sheriff's Office Policy 14 – Code of Conduct. While that is the current policy on the website, it has substantially been revised to account for two significant legislative changes: duty to intervene and dissemination of booking photos. I have attached the proposed policy that is pending review by the Clackamas County Peace Officers' Association. The previously distributed policy is legally deficient and will be replaced shortly. Attached you will find the updated draft, please disseminate to the group.

Thank you

Angela Brandenburg, Sheriff
Clackamas County



CLACKAMAS COUNTY SHERIFF'S OFFICE

Policy # 14

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NEXT REVIEW: 9/21
STATUS: PROPOSED 5-23-22

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EMPLOYEE CODE OF CONDUCT

General

1. The purpose of this policy is to make explicit certain behaviors are unacceptable for all employees regardless of rank or position, and to provide an ethical framework for decisions and actions. Such a framework recognizes that it is not possible to address all ethical questions you might encounter. For that reason, each and every employee needs to be aware of and comply with relevant statutes, CCSO policies and directives as they relate to their work, and to seek additional advice from a supervisor whenever in doubt about any matter.

Professional Conduct

2. All CCSO employees will conduct themselves in the discharge of their duties and their relations with the public and each other in a tactful, professional manner and in conformance with the following:
- a. conduct themselves in a manner that will foster cooperation among employees of this Office, showing respect, courtesy, and professionalism in their dealings with one another;
 - b. not use language or engage in acts that demean, harass, or intimidate another person. (See, [CCSO Policy # 15](#); [County Policy EPP 2](#));
 - c. conduct themselves toward the public in a civil and competent manner that connotes a service orientation and that will foster public respect and cooperation;
 - d. guard against employing an officious or overbearing demeanor or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty;



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- e. not publicly criticize the Sheriff's Office, its policies, programs, actions, or employees, perform any acts nor make any written, electronic or oral statements that would impair or diminish the orderly and effective operation, supervision, or discipline of the Sheriff's Office;
- f. not engage in conduct that is likely to discredit the CCSO or call into question the employees' ability to carry out their duties in a faithful and impartial manner;
- g. not engage in conduct that damages the positive public image, integrity, or reputation of the Sheriff's Office and their profession, both on and off duty;
- h. observe and comply with every person's rights under the United States and State Constitution; and
- i. not engage in conduct that constitutes a crime.

Public Statements, Appearances, and Endorsements

- 3. All CCSO employees, either on duty or off duty, shall not:
 - a. publicly criticize or ridicule with reckless disregard for truth or falsity (either verbal, written or electronic) the CCSO, its policies, or other employees. This policy neither pertains to nor prohibits justified and good faith reporting of wrongdoing or impropriety to the appropriate authority;
 - b. unless authorized, make statements on behalf of the Sheriff for publication or broadcast concerning the plans, policies, or administration of the Sheriff's Office. When employees are authorized to engage in community relations activities they do so as representatives of the Sheriff and are expected to represent the public position of the Sheriff's Office. Any statement concerning the Sheriff's Office, its policies or operations which reflects an employee's personal opinion should be clearly presented as such; or



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- c. use their official position to endorse, recommend, or facilitate the sale of commercial products or services. This includes, but is not limited to, the use of tow services, repair firms, attorneys, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

Truthfulness

4. Absent legitimate safety or investigative purposes, truthfulness and honesty in every CCSO employee is essential to continued employment. Any transgression of truthfulness and/or honesty, however slight, may be deemed cause to terminate employment.
 - a. CCSO employees will not lie, or give misleading information;
 - b. Knowingly or intentionally fail to disclose, or misrepresent material facts, or make any false or misleading statements on any application, or other official document, report or form during the course of any work-related investigation;
 - c. Take actions to conceal misconduct;
 - d. Fail to participate in, or give false or misleading statements, or misrepresent or omit material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any work-related business; and
 - e. CCSO employees will impart the truth when giving testimony.

Cooperation

5. CCSO employees are expected to seek ways to cooperate with each other, public officials, and employees of other agencies to deliver lawful, effective, efficient, and safe services by:
 - a. making every attempt to understand and consult with other Sheriff's Office employees;



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- b. providing such assistance and information to other law enforcement agencies as is authorized by the Sheriff's Office; and
- c. helping their coworkers when a request or need is known during the performance of their duties, but not interfere with cases being handled by other employees of the Sheriff's Office or by another government agency unless ordered to intervene by a supervisor, or the intervening employee reasonably believes that harm would result from the failure to take immediate action.

Rumors

6. Rumors are stories, statements, talk or opinion widely circulated with no discernible source, confirmation or certainty as to facts, or known authority for its truth (e.g. gossip or hearsay). Malicious or willful spreading of unverified information is prohibited. CCSO employees shall not spread rumors about Sheriff's Office policies, activities, employees, events, or crimes. It is incumbent on the employee to notify a supervisor when hearing or becoming aware of a rumor or inappropriate statement.

Knowledge and Enforcement of Written Directives (Policies, Procedures and Orders)

7. All CCSO employees will be knowledgeable of County and Sheriff's Office policies, procedures, and orders that apply to their duties. Any employee who questions the clarity or intent of a policy, procedure, or order will seek clarification through the chain of command.

Record Confidentiality, Protection and Use

8. CCSO employees must maintain the confidentiality of all records, official reports, statements, information gathered, or photographs/images within the restrictions of federal and state law. Employees shall not grant access to records unless authorized by law or written directive, if in doubt seek clarification from a supervisor. Employees issued a cell phone or other mobile device that contains confidential personal or investigative information shall make reasonable effort to safeguard that device from inappropriate access or theft.



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9. CCSO employees shall use protected information to which they have access only for official business. "Protected information" means all records, letters, documents, recordings (whether on tape or other digital media), pictures, criminal justice files, and other official files. "For official business" means in the discharge of Sheriff's Office duties, or as authorized by law, or by written directive. Employees:
- a. shall not remove, copy, divulge, alter or make personal use of any protected information to include taking a screen shot of a booking photo or any other protected information;
 - b. shall not enter false data into reports or any other form of protected information. Anyone having knowledge of such activity must report it to a supervisor as soon as possible; and
 - c. Notwithstanding ORS 192.311 to 192.478, CCSO employees may not release a booking photo except as follows:
 - (1). To the person depicted in the booking photo;
 - (2). To another law enforcement agency, or to a law enforcement officer employed by another law enforcement agency, for a law enforcement purpose;
 - (3). To the public when a determination has been made that there is a law enforcement purpose for the release, including but not limited to assistance with the apprehension of a fugitive or a suspect in a criminal investigation, or the identification of additional criminal activity;
 - (4). To a state mental hospital upon the admission to the hospital of the person depicted in the booking photo;
 - (5). To a party in a criminal proceeding resulting from the arrest during which the booking photo was obtained;
 - (6). To the victim of the offense for which the person depicted in the booking photo was arrested; or



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- (7). Upon the conviction of the person depicted in the booking photo, if the conviction results from the arrest during which the booking photo was obtained.

Withholding/Reporting Criminal Information

10. CCSO employees who receive or have knowledge of facts or information relative to a criminal offense by an employee must report it to their supervisor or Division Commander. Employees must not divulge information, directly or indirectly, that may enable any person to avoid arrest, conceal or dispose of evidence, or become aware of a criminal investigation against the person by this office or another police or public agency.

11. Employees who are arrested, or receive a criminal citation to appear or its equivalent, for any offense punishable as a crime, in any jurisdiction within or outside the State of Oregon shall report that information to their supervisor or Division Commander without delay. In addition, any certified employee who is arrested, or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime, must personally notify DPSST within five (5) business days. All notifications must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation and the arresting or citing agency.

Duty to Report Misconduct

12. A CCSO employee who witnesses another employee engage in misconduct will immediately report their knowledge to their sergeant/supervisor, or other person in the employee's chain of command. The CCSO person receiving the alleged misconduct report must take appropriate action, in accordance with CCSO Policy # 18 (Professional Standards), by promptly forwarding the complaint to the Professional Standards Unit for investigation. Misconduct means:

- a. an action or inaction by a CCSO employee, which may violate law, county policies or ordinances, Sheriff's Office policy/procedure;
- b. use of unjustified or excessive force;
- c. sexual harassment;



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- d. discrimination based on a protected class; and
- e. commission of a crime.

Duty to Report Violation of Minimum Standards

13. A CCSO employee who witnesses another employee engaging in a violation of the minimum standards of fitness for public safety personnel under [ORS 181A.410](#), will immediately report the violation to their sergeant/supervisor, or other person in the employee's chain of command, or the Department of Public Safety Standards and Training.

Duty to Intervene

14. Without regard to rank or assignment, employees shall intervene to prevent or stop another employee in any act the intervening employee knows or reasonably should know is misconduct, unless the intervening employee cannot intervene safely.

CCSO Identity, Badge and Credentials

15. Except when impractical or unfeasible, or where their identity is obvious, employees shall identify themselves by displaying their badge or identification card before taking any enforcement action.

16. CCSO employees shall not use another employee's name, badge or credentials, nor shall a certified employee knowingly permit anyone not certified in the Sheriff's Office to use a Sheriff's Office badge or credential at any time.

Misuse of Position

17. CCSO employees shall not use their position with the Sheriff's Office as a means to force or intimidate anyone to settle a case or legal process. Employees must not use, permit, or authorize the use of their name, official title, badge, credential, photograph, or other means to identify them as an employee of the Sheriff's Office in connection with testimonials or advertisements of any product or commercial enterprise, or for any personal gain, without the written approval of the Sheriff.



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Engaging in Sexual or Romantic Relations

18. Employees shall not date or otherwise engage in sexual or romantic relations of any kind with any person who is participating in, and/or under the supervision of a CCSO Youth Program (e.g. Cadets).
19. Employees shall not engage in dating, sexual or romantic relations of any kind with any person they directly lead or supervise.

Use of Official Stationery

19. CCSO employees shall not correspond with any person about their official activities, except as provided within applicable CCSO policies or procedures, which includes the use of Sheriff's Office stationery or forms for any purpose other than the transaction of official business.
20. The writing of all outgoing Sheriff's Office correspondence shall be under the Sheriff's signature, with the point of origin from the Sheriff's Office, unless authorized elsewhere (e.g. specific correspondence released under a Division Commander's signature).

Expectations of Privacy

21. CCSO employees shall not use county property or store personal information or belongings with an expectation of personal privacy. This includes personal information or belongings that are found in such places as lockers, desks, county owned vehicles, file cabinets, computers, or similar areas which are under the control and management of the CCSO. While the CCSO recognizes the need for employees to occasionally store personal items in such areas, be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Sheriff or designee.



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Gratuities

22. CCSO employees shall neither solicit nor accept gratuities, which include any product, item or service at no cost or reduced cost, offered to an employee as a direct result of services provided or anticipated, either on or off duty.

23. Unsolicited Gratuities - In certain circumstances, a completely unsolicited gift of appreciation after service may be received; however, all gifts (e.g. something of economic value – cash, gift, gift card, etc.) shall be reported and submitted to the Sheriff's Office for appropriate disposition.

Insubordination

24. CCSO employees are required to observe and obey the lawful verbal and written directives, rules, work instructions, policies, procedures, and practices of the Sheriff's Office. In addition:

- a. employees must subordinate their personal preferences and work priorities to the lawful verbal and written directives of supervisors and persons in positions of authority; and
- b. employees must perform all lawful duties and tasks assigned by supervisors or persons in positions of authority.

25. Insubordination is aggravated if it includes willful or intentional disregard of lawful direction by a supervisor, including orders relayed from a supervisor by an employee of the Sheriff's Office. Should any order given by a supervisor conflict with any previous order or written directive, the employee will bring this conflict to the attention of the supervisor. The supervisor who issued the conflicting order will take this conflict into account and either correct the conflict or assume responsibility for any subsequent action. The subordinate shall follow the last order received unless contrary to law.



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Transactions with a Suspect or Inmate

26. Employees shall not buy or accept any article, service or favor from any known suspect, inmate, or associate of a suspect or inmate.

Fraternization with Persons in Custody

27. The term "Person in Custody" refers to inmates, prisoners and others who are in physical custody in any setting or on any alternative detention program of the CCSO.

28. Employees shall avoid employee-prisoner/inmate relationships that may jeopardize the safety of any person, the security of a facility or the community, or public confidence in the Sheriff's Office.

29. Employees will avoid inappropriate conversations with persons in custody.

30. When an employee becomes aware that, during his official duties, he may come into contact with a friend, relative, or acquaintance who is in custody and/or control of the Clackamas County Sheriff's Office, that employee must inform an on-duty jail supervisor and his own supervisor.

31. If contact with a person in custody is unavoidable (such as with an immediate family member), the employee will promptly advise his supervisor. *The Sheriff must approve any exceptions to this policy in writing.*

Engaging in Sexual Relations, Conduct, or Contact with Persons in Custody or Under Supervision of the CCSO is Prohibited

32. Employees shall not engage in sexual relations of any kind with any person in the custody or supervision of the Sheriff's Office. Persons who are under the supervision of the CCSO are prohibited from giving consent to sexual contact with employees. Violation of this policy may result in criminal charges pursuant to Oregon Laws. The term "sexual relations" includes any conduct by an individual in an attempt to sexually gratify or arouse himself, herself or another person.



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Prohibited Associations and Establishments

33. Employees shall not knowingly commence or maintain a personal relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another Sheriff's Office or criminal justice agency. This includes persons who have an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in criminal activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships. *The Sheriff must approve any exceptions to this policy in writing.*

34. Except in the performance of official duties, employees shall not knowingly enter any establishment that regularly violates the law of that jurisdiction.

35. Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

36. Employees are to avoid fraternizing in personal or social activities with criminal offenders, which includes prisoners, persons who have been convicted of a felony, who are on parole or probation, or who are required to register as a sex offender. Employees may find such contact unavoidable and to avoid compromise should criminal conduct recur, employees shall report the situation to their Division Commander.

37. The Division Commander or manager, when reviewing each case of association or fraternization, will consider: the seriousness of the charge; the age of the offender at the time of the crime; the number of convictions; the amount of time that has passed since the most recent conviction; the potential risk to the safety of any person; the security of a facility or the community; and/or public confidence in the Sheriff's Office. The Division Commander will document the situation and the review factors. The Division Commander will forward the report to the Sheriff if the association or fraternization may affect the reputation or operation of the Sheriff's Office.



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Recommending Attorneys

38. Employees shall not suggest, recommend, advise, or solicit for any attorney or law firm other than to advise persons of their “Miranda” rights and/or refer them to the Oregon State Bar [On-Line Lawyer Referral Service](#) (toll-free in Oregon at 800-452-7636). This does not apply when a relative or friend of an employee seeks such service or advice.

Incurring Sheriff's Office Expenses

39. Employees shall not incur any Sheriff's Office expense or liability without prior approval of a Manager and within the budget expenditure authority, unless expressly authorized elsewhere within a CCSO written directive.

Use and Care of Sheriff's Office and County Property

40. Employees shall not use, remove, or borrow property of the Sheriff's Office or other county departments for other than official business or as authorized. Property includes supplies, equipment, facilities, vehicles and furnishings that are placed in the proper care and service of CCSO employees. Employees will properly use and care for Sheriff's Office and county-owned property and equipment.

Facility Access and Security

41. Employees are responsible to allow access to CCSO facilities only to authorized persons and in compliance with written directives and operations of those facilities. Employees shall wear the appropriately issued access or identification badge and challenge visitors unless they are displaying a visitors' badge and or are accompanied by a CCSO employee. Employees shall neither duplicate a Sheriff's Office or County key nor loan a Sheriff's Office or County key to a person who is not authorized to possess it. Employees shall not use keys or access cards in a way that breaches workplace security.



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Use of Alcohol and Drugs

42. Employees are bound by the provisions and prohibitions contained in the [Clackamas County Drug-Free Workplace Proclamation](#) and the [CCSO Drug Policy](#), which includes a program of controlled substance abuse prevention supporting a safe and drug-free workplace. All CCSO employees are strictly prohibited from the unauthorized possession, use, delivery, distribution, or manufacture of a controlled substance that is not medically authorized.

Gambling

43. Employees shall not engage in any form of gambling while on duty or while in uniform. The Sheriff may approve exceptions.

Political Activity

44. Without restricting the right of an employee to express personal political views, CCSO employees shall not, while on duty, promote or oppose election petitions, candidates, political committee or ballot measures. Furthermore, CCSO employees must follow the restrictions imposed by [ORS 260.432](#), [Restrictions on Political Campaigning by Public Employees](#), and:

- a. must not require, directly or implicitly, that other employees solicit or provide service for or contribute to any political cause, candidate, or party;
- b. must not engage in political debates or discussions while on duty
- c. must not display or distribute campaign material while on duty or in the workplace. This policy does not apply to the display of political materials on personal vehicles in Sheriff's Office parking lots;
- d. may provide information to the public on ballot and bond measures affecting the Sheriff's Office, but while on duty may not encourage a person to vote either in favor of or against a ballot or measure; and



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- e. when off-duty, without the express permission of the Sheriff, employees will not use, permit, or authorize the use of their name, official title, badge, credential, photograph, or other means to identify them as an employee of the Sheriff's Office in connection with political campaigning.

Religion

45. Employees shall not engage in religious debates or proselytizing while on duty or in the workplace. Employees must not display or distribute religious materials that promote a particular religion while on duty or at the workplace, or engage in religious discussions to the detriment of good order and discipline. This policy does not apply to the display of religious materials on personal vehicles in Sheriff's Office parking lots. Nor does it apply to the reading of religious material on breaks or meal periods.

Personal Mail

46. Employees shall not solicit personal mail delivery not related to their duties and services to the Sheriff's Office, or any county facility, without the authorization of the Sheriff.

47. Employees receiving unsolicited personal mail at the Sheriff's Office must take reasonable actions to have the sender stop such mailings.

48. Employees must not mail personal letters or packages using the County's mail system with the exception that eligible employees may request Department of Motor Vehicle (DMV) records reflect and use the CCSO address in accordance with ORS 802.250. Administrative Services will be responsible for administering a program of verification with DMV of eligible employees.

Dress and Department

49. The proper duty and office attire for CCSO employees is contained in the CCSO Employee Dress Code and Department Manual.



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References: [ORS 162.405 to 162.425, 260.432](#), Oregon Government Ethics Law – A Guide for Public Officials, Oregon Government Ethics Commission, [Clackamas County Government Administration, Chapter 2.05 Personnel Policies and Procedures for Clackamas County Employees, EPP #5, EPP # 52, CCSO Drug and Alcohol Testing Policy](#), and [OAR 259-008-0010 \(5\)](#).

County Employment Policy and Practice (EPP) – Compliance

50. Employees shall comply with all established Clackamas County Personnel Ordinance and Employment Policies and Practices (EPP), unless exempt by the collective bargaining agreement, CCSO policies or procedures, law enforcement or public safety requirement.

Compliance

51. Employees are directly accountable for good faith performance of their duties through the chain of command, to the Sheriff; however,

- a. if you fail to comply with the provisions of CCSO written directives, policies, procedures, instructions or any other lawful directive, you will be asked to explain your actions;
- b. If your conduct is found to be contrary to any CCSO written directives, policies, procedures, instructions or any other lawful directive, management has a range of options or remedies at their disposal, up to and including dismissal, and you may face criminal charges for abuse of public office or other crimes; and
- c. where there is a conflict with another instruction, policy or guideline, or a void in direction, you are to comply with the *Principles of the CCSO and your Oath of Office*, seeking additional clarification from a supervisor as soon as practicable.

Fair Treatment

52. As an employee, if you believe you have not been treated in a fair manner in accordance with the provisions of this policy, or any other CCSO policy or procedure, you can request the circumstances of the case be reviewed at the next level in the Chain of Command.