

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number <b>G.O. 3.14</b>
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005
<b>CHAPTER:</b> Organization, Management and Administration		Related Policy: G.O. 3.13 (Internal Investigations)
<b>SUBJECT: External Investigation of Employees</b>		Related Laws: Title 18 USC 241 and 242

**POLICY:** The Sheriff's Office will cooperate to the extent possible with an external investigating agency but will strive to ensure the Sheriff's Office and the named employee's rights are protected.

**DEFINITION:** An external investigation of an employee is an investigation by another law enforcement agency alleging criminal conduct by an employee of this Sheriff's Office. Most often these investigations are alleged violations of Title 18 USC 241 and 242 alleging civil rights violations by state and local law enforcement officers. The FBI is the investigating agency for the United States Department of Justice.

**RULE:** None

**PROCEDURE:**

I. FBI Contact regarding a Duty Related Title 18 USC Sections 241 and 242 Allegation

- A. Employee should be aware that the agent conducting any initial inquiry relating to civil rights investigation is on official business with the sole purpose of determining whether factually a criminal civil rights violation has taken place.
- B. Employees should view such contact with a federal agent in such matters as a criminal interrogation or interview and that the employee is the subject of that interrogation.
  - 1. The sanctions that can be imposed include fines of up to \$1,000, imprisonment for up to one year, or both.
  - 2. In cases where a death is involved, imprisonment up to and including life can be imposed.
  - 3. The statute of limitations for such actions is four years in duration and acquittal in a state court criminal action for violation of state criminal statutes does not serve as a bar to federal criminal prosecution under Sections 241 and 242.

4. Employees subject to a USC Title 18 Section 241 or 242 investigation should be aware the employee of such an investigation may exercise their Fifth Amendment right when interviewed by investigators.
- C. Employees who are notified they are subject to USC Title 18 Section 241 or 242 investigation shall immediately notify their supervisor.

## II. Other Law Enforcement Agency External Investigations

- A. If the Sheriff's Office receives a request from another law enforcement agency to interview an employee regarding a criminal matter or internal investigation by another agency, the Sheriff's Office will notify the involved employee and facilitate the scheduling of the interview.
- B. Any employee who is notified they are the subject of another agency's criminal investigation shall immediately notify the Sheriff's Office.
- C. The Sheriff's Office will request a copy of the completed investigative reports and, depending upon information received, may initiate its own administrative internal investigation.

## III. Legal Representation

- A. Refer G.O. 3.13 (Internal Investigations), Section IV.