

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 6.21
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005
CHAPTER: Human Resources		Related Policy: G.O. 3.13 (Internal Investigations), G. O. 4.02 (Code of Conduct), G.O. 4.03 (Employee Status While Off-Duty), G.O. 6.20 (Types of Discipline), G.O. 6.22 (Pre-disciplinary Hearing) APM Chap 3, Section 52, Issue 4 (Corrective Action), Applicable Labor Agreements
SUBJECT: General Causes of Discipline		Related Laws:

POLICY: The decision to initiate discipline against any employee shall be based upon the “just cause” standard. Generally, disciplinary action is intended to address behavior or performance which is unacceptable according to Sheriff’s Office standards. The discipline process is a series of steps designed to bring the behavior or performance of all employees to expected levels. Where appropriate, discipline shall be progressive and will include informal and formal steps designed to produce change in perceived deficiencies. Refer G.O. 6.20.

RULE: None

PROCEDURE:

I. Standard of Behavior

- A. This manual specifies Sheriff’s Office policy, rules, and procedures defining expected employee conduct.
- B. Employees may be disciplined for the commission of, or omission of, an act that constitutes violation of Sheriff’s Office policy, rules, and procedures or other oral or written order, whether stated in this manual or other documents.
- C. Employees are accountable to maintain an implicit standard of behavior on or off duty (G.O. 4.02 and G.O. 4.03) that is reasonably expected or required of public safety employees by the public, to include the requirement to act legally or morally correct at all times.

II. General Causes for Discipline

A. Alcohol and Drugs

Employees may be disciplined if they report for work with a discernible odor of alcoholic beverage or marijuana on their breath or about their person. The use of

marijuana or any illegal drug at any time by employees is prohibited. The use of alcohol and legal drugs off duty may result in discipline, if employees' ability to perform their duties is impaired to any perceptible degree. General Order 4.05 (Alcohol and Drugs) specifies policies, rules, and procedures for alcohol and drug use and testing.

B. Examples of specific conduct which may result in disciplinary action include, but is not limited to, the following:

1. Any conviction of criminal or traffic offenses.
2. Excess absenteeism, including:
 - a. Willful absence from one's position.
 - b. Participation in work stoppage or slowdown.
3. Profane language. When the public could reasonably be expected to overhear or see such communication (observed), in written or oral form.
4. Public fighting.
5. Assault on a fellow employee.
6. Misappropriation of Sheriff's Office funds or property, including funds or property entrusted to the Sheriff's Office.
7. Willful damage or abuse of Sheriff's Office property.
8. Assaulting a suspect.
9. Associating with persons who are reasonably suspected of participating in criminal activities.
10. Possession of illegal drugs or other contraband.
11. Horseplay with firearms.
12. Tampering with Sheriff's Office records.
13. Failure to report misconduct of another employee, which includes the violation of general orders of this manual, related documents described in G.O. 3.01, or law.
14. Dereliction of Duty - Employees can be disciplined if they fail to act in a situation where action is called for, or for acting in a way not consistent with good law enforcement practices. This includes overlooking continuing and flagrant vice conditions, altering police records to

compromise a criminal case, drunkenness or inability to appear for duty in a capable condition, and/or allowing a prisoner to escape.

15. Any other conduct which lessens public confidence in the Sheriff's Office, or respect for the Sheriff's Office, thereby impairing operations in any way that causes a loss to the Sheriff's Office in public support, monetary support, or lack of cooperation from other public agencies.

C. Criticism of Employees

Personnel may be disciplined for making unfounded, inflammatory, or malicious criticism of employees that impairs the effectiveness of the employee and/or the Sheriff's Office by causing a loss in public support, monetary support, or loss of cooperation from other public agencies. Well-founded criticism of employees should be made in a polite manner and through the chain of command.

D. Failure to Pay Debts

Personnel may be disciplined when they repeatedly fail to pay debts and this failure has impaired Sheriff's Office efficiency or brought discredit upon the Sheriff's Office. Personnel will not be disciplined for a single instance of failure to pay a debt when due, or when the person's inability to pay is caused by unforeseeable circumstances beyond the person's control. Personnel are not prohibited from declaring bankruptcy, but may be disciplined for consistent indebtedness that adversely affects the Sheriff's Office.

E. Failure to Cooperate in Internal Investigation

Personnel may be disciplined for failure to cooperate fully with Sheriff's Office internal investigations. This includes hindering or obstructing the investigation, lying, giving evasive answers or refusing to answer questions that are specifically, directly, and narrowly related to performance of their official duties. No answers that are given under an order to comply with an internal investigation can be used in a subsequent criminal proceeding against an employee, but failure to cooperate fully with the investigation is grounds for discipline up to and including discharge from the Sheriff's Office. Employees may also be disciplined for refusing to stand in a lineup to be viewed by witnesses to police misconduct. Information obtained shall be treated as confidential and shall be disclosed only to the limited extent necessary to sustain a criminal complaint, conviction, or disciplinary action, except as excluded herein, or as required under current law.

F. Mistreatment of Suspects or Prisoners

As well as being subject to civil and criminal liability, an employee may be disciplined by the Sheriff's Office for the use of unnecessary or excessive physical force, as determined by the Sheriff's Office, against a prisoner or suspect, or for allowing a prisoner to be injured through the employee's own negligence or by the acts of others.

G. Unsatisfactory Performance

Personnel may be disciplined if their general conduct or efficiency consistently fails to meet work standards established in periodic performance evaluations, as determined by the Sheriff's Office. Employees shall maintain sufficient competency to perform their duties in a manner that will ensure the highest standards of efficiency and carry out all functions and objectives of the Sheriff's Office.

Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced by the position; a demonstrated unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving attention; or absence without leave.

Deterioration of or repeated poor evaluations or written documentation of repeated infractions of rules, regulations, directives, or orders and other misconduct shall be prima facie evidence of unsatisfactory performance.

Personnel may be required at any time to demonstrate certain job-related capabilities and to submit to written examinations as determined by the Sheriff's Office to determine fitness for the job and ability to perform the routine functions as described in their job description.

H. Violation of Labor Relations Agreements

Current working contracts developed through collective bargaining are recognized as a part of these rules and regulations. Violations of a current contract or working agreement shall be considered as a violation of rules and regulations and may be subject to disciplinary action.

I. Truthfulness

Employees may be terminated for failure to be truthful at all times in their written or spoken word, unless special sanctioned investigations require falsification to prevent hindrance of the investigation or to prevent discovery or identification of an undercover investigator or investigation.