

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.16
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005
CHAPTER: Patrol		Related Policy: G.O. 1.06 (Constitutional Requirements), G.O. 1.07 (Search and Seizure), G.O. 1.08 (Guidelines for Arrest), G.O. 1.11 (Use of Discretion), G.O. 1.12 (Use of Force)
SUBJECT: Guidelines for Avoiding Liability		Related Laws:

POLICY: Employees must act reasonably and within the limits of their authority as identified by statute and judicial interpretation, insuring that the rights of both the individual and society are protected.

RULE: None

PROCEDURE:

I. Guidelines For Avoiding Liability

Employees are legally responsible for their actions and, in addition to disciplinary action by the Sheriff's Office, employees may be held civilly or criminally liable as the result of unprofessional conduct. The only way to avoid these consequences is to follow Sheriff's Office policies, rules, and procedures, to act reasonably at all times and never allow excitement, anger, or other emotions to impair judgment.

False arrest or imprisonment is by far the most common source of police liability. In order to avoid lawsuits based on false arrest or imprisonment, the following guidelines should be observed:

- A. Prior to any probable cause arrest, carefully assess all information known upon which probable cause is based:
 - 1. Determine first whether or not a crime has been or is being committed.
 - 2. If your answer to 1 (above) is not an unqualified yes, do not make an arrest. (Investigate and report).
 - 3. If your answer to 1 (above) is an unqualified yes, then consider whether or not your suspect is the person who is committing or has committed the crime. (The Deputy should carefully and methodically list all factors upon which the ultimate determination that probable cause did or did not exist is based.)

4. The Deputy must then reasonably consider all factors pointing to the guilt of the suspect and should affect an arrest only when an objective analysis clearly indicates the suspect's criminal involvement.
 5. As soon as possible after affecting a probable cause arrest, the arresting Deputy should record the primary factors upon which the arrest is based.
- B. Deputies should use extreme care if effecting group arrests or in arresting fringe suspects, by applying the above recommended procedure to each person arrested.
 - C. Whenever possible, let private citizens make formal citizen arrests.
 - D. When arresting solely on an arrest warrant, carefully examine the warrant for obvious defects on its face and, if any defects appear, do not arrest without seeking the advice of the District Attorney.
 - E. Never allow personal prejudice, malice, or bad faith to enter into your deliberation as to the existence of probable cause.
 - F. If at anytime you realize that you have mistakenly arrested an innocent person, you should immediately and personally notify your immediate supervisor, who shall take all available steps to insure the suspect's release from custody at the earliest possible time. A full report shall be made, documenting the circumstances of the arrest (with particular attention to probable cause for arrest), and the release.
 - G. The names and addresses of all available suspected juveniles shall be obtained at the scene of all "kegger" and MIP parties where an arrest is made.