

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 1.11
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005
CHAPTER: Sheriff's Office Role and Authority		Related Policy: G.O. 1.08 (Guidelines for Arrest), G.O. 1.09 (Alternatives to Incarceration for Adults), G.O. 1.10 (Alternatives to Incarceration for Juveniles)
SUBJECT: Use of Discretion		Related Laws: None

POLICY: The Sheriff recognizes the need to establish guidelines for the delegation of discretionary decision making to Sheriff's Office members to ensure the achievement of the Sheriff's Office mission, goals, and objectives intended to serve the best interests of public.

RULE: Sheriff's Office members shall exercise personal discretion during the performance of their duties in a manner that is consistent with the limits of their authority; Sheriff's Office mission, values, goals; law; general orders; training; and supervision.

PROCEDURE:

I. Use of Discretion

- A. In keeping with the stated mission of this Sheriff's Office, the Sheriff hereby delegates full authority and responsibility to each Division Commander to utilize discretion in their decision-making and implementation of Sheriff's Office policy and procedures as provided and/or allowed by law, Sheriff's Office rules, policies, and procedures.
- B. Division Commanders shall develop and implement adequate procedures within their sphere of authority to appropriately implement this policy, to include their delegation of discretionary decision-making authority to subordinates as deemed appropriate and necessary under the circumstances.
- C. Discretionary decisions shall be guided by experience and professional judgment, information known or available at the time, potential for violence or danger to the public, the availability of personnel and other resources, and reasonable safety of the employee.

II. Discretionary Decision-Making For Civil Section Employees

- A. The Civil Section is responsible for receiving, processing, and serving civil documents and criminal subpoenas, timely and accurately, in compliance with state law. To appropriately implement this responsibility, the Division

Commander delegates the authority to the Civil Section Supervisor or Acting Supervisor, to make discretionary decisions affecting the day-to-day efficient operations of the Civil Section. Guidelines for discretionary decisions shall be governed by:

1. Experience, training, and professional judgment
 2. Information known or available at the time
 3. Potential for violence or danger to the public
 4. Availability of personnel and other resources
 5. Reasonable safety to employees
 6. Liability to the Sheriff's Office
 7. Existing laws, policies, procedures, rules, and regulations
- B. Types of civil and/or criminal process that may be affected by discretionary decisions, but not all inclusive:
1. Orders to Show Cause
 2. Attachments pursuant to Court-Ordered Execution
 3. Claim and Delivery
 4. Summons and Complaint
 5. Small Claims
 6. Notice of Trustee Sale
 7. F.E.D. Summons and Complaint (Evictions)
 8. Civil and Criminal Subpoenas
 9. Citations
 10. Divorce Summons and Petition
 11. Out of State Papers
 12. Writ of Assistance

13. Garnishment
14. Petition
15. Redemptions
16. Sheriff's Sale – Real & Personal Property
17. Civil Fees – Waivers
18. Advance Fees – Bond of Indemnity
19. Referral of documents to other sections for service

III. Discretionary decision-making authority is also delegated to deputies assigned to the Civil Section in the following areas of responsibility: (not all inclusive)

- A. Prioritization of Civil papers and subpoenas to be served
- B. Sales of Personal Property
- C. Levies on property
- D. Types of Service
- E. Unserviceable papers
- F. Request of Assistance
- G. Use of force per Sheriff's Office policy
- H. Arrests

IV. Discretionary decisions by non-supervisors shall be governed by the same criteria for reaching their decision as outlined above for the Civil Supervisor and/or Acting Supervisor.

V. Delegation of Discretionary Decision-Making For Police Services Employees

- A. Police Services Division are delegated the full authority and responsibility to use discretion in their decision-making. This delegation of discretionary decision-making memorializes the routine exercise of discretion employees may use in the daily performance of their duties. Discretionary decisions shall be guided by:
 1. Experience, training, and professional judgment

2. Information known or available at the time
 3. Availability of personnel and other resources
 4. Safety of employees
 5. Liability to the Sheriff's Office
 6. Potential for violence and/or danger to the public
 7. Existing laws, policies, procedures, rules, and regulations
- B. Examples of activities, functions, and duties performed by the Police Services Division where complete discretionary decision-making is delegated, includes but is not limited to:
1. Lieutenants –
 - a. All those activities, functions, and duties listed for Sergeants, Deputy Sheriff 1 & 2, and Specialists
 - b. Prioritization of resource expenditure
 - c. Planning
 - a. Organizing personnel and resources into work groups
 - b. Staffing work units
 2. Sergeants –
 - a. All those activities, functions, and duties listed for Lieutenants when serving in an acting Lieutenant capacity
 - b. Prioritization of calls for service
 - c. Employee discipline
 - d. Personnel action, including hiring, promotions, and disciplinary discharge
 - e. Deployment of on-duty personnel resources
 - f. Assignment of personnel including work unit, days off, and shift hours
 - g. Receiving and investigating citizen's complaints
 - h. Activating off-duty resources
 - i. Preparation of press releases
 - j. Conducting press conferences
 - k. Subordinate training
 - l. Managing Search and Rescue missions
 - m. Coordinating service delivery
 - n. Identification and documentation of budgetary needs
 - o. Requesting mutual aid
 - p. Inspection of employees and work units

- q. Evaluation of employees
3. Deputy Sheriff 1 & 2; Specialists-
- a. All those activities, functions, and duties listed for Sergeants when serving in an acting Sergeant capacity.
 - b. Use of physical force
 - c. Use of deadly physical force
 - d. Enforcement of the Criminal Code, including custodial and non-custodial arrests and issuance of citations to appear in lieu of custody.
 - e. Enforcement of boating laws, including custodial arrests and issuance of uniform boating citations
 - f. Safety inspections of boats
 - g. Investigation of crimes
 - h. Crime Scene searches
 - i. Collection and preservation of physical evidence
 - j. Report Writing
 - k. Service of criminal and civil process - Refer to Section II above.
 - l. Receipt and processing of calls for service
 - m. Traffic control
 - n. Interviews with the press (when assigned)
 - o. Initiation and termination of motor vehicle pursuits
 - p. Administering first aid and CPR
 - q. Reporting missing, inoperative, or damaged traffic control devices
 - r. Preparing sworn affidavits, including search, arrest, and probable cause affidavits
 - s. Service of search warrants, including return of service
 - t. Service of arrest warrants
 - u. Suspect identification
 - v. .Initiating criminal complaints
 - w. Movement of inmates to and from the courts and correctional facilities.
4. Secretaries and Communications/Records Officers –
- a. Data Entry
 - b. Receipt and transmittal of telephone messages
 - c. Transcription of recorded interviews
 - d. Administering First Aid and CPR
 - e. Filing of documents
 - f. Records retention