SHERIFF'S PREFACE

Law enforcement policy manuals involve content that is developed from state and federal laws and court opinions that can change over time. This policy manual cannot predict every aspect or potential situation that might be encountered by members of this Office. This manual establishes a framework of rules and guidelines involving expected performance for all members.

Our policies and procedures define who we are and reflect our values as an agency. Many of these policies are well-founded on state and federal laws and others are formulated from experiences and successes.

Your safety and security depends upon your awareness and compliance with these policies, rules, and procedures. The policies are designed to provide you with guidance in fulfilling your responsibilities on a daily basis. The rules and procedures are designed to provide consistency in how all of us perform specific responsibilities.

If you have questions about or additional input into our policies, you are encouraged to discuss your ideas with your supervisor. While the Sheriff is responsible for approving the policies, anyone can offer suggestions for change. Successful policies require participation from everyone. I am very proud of our Sheriff's Office and the members who contribute daily to making our agency successful in keeping our citizens and visitors safe through excellent customer service and professionalism.

Sheriff Adam D. Shanks

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CRIMINAL JUSTICE CODE OF ETHICS

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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MISSION STATEMENT

Our mission is to enhance public safety, reduce the fear and impact of crime, and improve quality of life.

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Table of Contents

SHERIFF'S PREFACE. 1

Criminal Justice Code of Ethics. 2

Mission Statement. 3

Chapter 1 - Law Enforcement Role and Authority. 9

100 - Law Enforcement Authority. 10
101 - Public Safety Certification. 12
102 - Oath of Office. 13
103 - Flag and National Anthem Protocol. 14
104 - Policy Manual. 17
105 - Chief Executive Officer. 20

Chapter 2 - Organization and Administration. 21

200 - Organizational Structure and Responsibility. 22
201 - Duties of Certified Employees. 24
202 - Sheriff's Office Directive. 28
203 - Emergency Operations Plan. 29
204 - Training. 30
205 - Electronic Mail. 34
206 - Administrative Communications. 36
207 - Staffing Levels. 37
208 - Concealed Handgun License. 38
209 - Retiree Concealed Firearms. 41

Chapter 3 - General Operations. 44

300 - Use of Force. 45
301 - Use of Force Review Boards. 54
302 - Handcuffing and Restraints. 57
303 - Control Devices and Techniques. 62
304 - Conducted Energy Device. 68
305 - Officer-Involved Shootings and Deaths. 76
306 - Firearms. 85
307 - Knives and Cutting Tools. 94
309 - Deputy Response to Calls. 96
310 - Civil Process. 99
311 - Domestic Violence. 101
312 - Portable Audio/Video Recorders. 107
313 - Search and Seizure. 112
314 - Temporary Custody of Juveniles. 114
315 - Adult Abuse. 121
316 - Discriminatory Harassment. 127
317 - Child Abuse. 133

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318 - Missing Persons. 140
319 - Public Alerts Including Amber Alerts. 148
320 - Victim and Witness Assistance. 152
321 - Hate Crimes. 154
322 - Standards of Conduct. 157
323 - Information Technology Use. 165
324 - Credit Cards. 168
325 - Report Preparation. 171
326 - Media Relations. 175
327 - Subpoenas and Court Appearances. 184
328 - Reserve Deputies. 187
329 - Search and Rescue. 192
330 - Outside Agency Assistance. 202
331 - Tsunami Preparedness. 204
332 - Water Rescue. 207
333 - Registered Offender Information. 210
334 - Major Incident Notification. 212
335 - Death Investigation. 213
336 - Identity Theft. 217
337 - Bad Check Investigations. 218
338 - Private Persons Arrests. 220
339 - Limited English Proficiency Services. 222
341 - Stalking. 228
342 - Chaplains. 230
343 - Telephone Procedures. 233
344 - Child and Dependent Adult Safety. 234
346 - Dog-Handling. 238
347 - Volunteer Program. 239
348 - Off-Duty Law Enforcement Actions. 244
349 - Social Media. 246
350 - Canines. 250
351 - Native American Graves Protection and Repatriation. 257
352 - Extreme Risk Protection Orders. 259

Chapter 4 - Patrol Operations. 262
400 - Patrol Function. 263
401 - Bias-Based Policing. 265
402 - Briefing. 268
403 - Crime and Disaster Scene Integrity. 270
404 - Tactical Response Team. 272
405 - Noise-Flash Distraction Device. 281
406 - Civilian Observers, Patrol Ride-Alongs and Jail Tours. 282
407 - Hazardous Material Response. 285
408 - Hostage and Barricade Incidents. 287
409 - Response to Bomb Calls. 291
410 - Civil Commitments. 296
411 - Citation Releases. 300

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412 - Foreign Diplomatic and Consular Representatives. 302
413 - Rapid Response and Deployment. 306
414 - Immigration Violations. 309
415 - Emergency Utility Service. 313
416 - Automated External Defibrillator. 314
417 - Aircraft Accidents. 316
418 - Alarms. 320
419 - Field Training and Evaluation Program. 322
420 - Obtaining Air Support. 325
421 - Contacts and Temporary Detentions. 326
422 - Portable Breath Testing Equipment. 330
423 - Criminal Organizations. 331
424 - Mobile Data Computer Use. 334
425 - Mobile Video Recording Equipment (In-car video). 336
426 - Medical Marijuana. 339
427 - Foot Pursuits. 344
428 - Bicycle Patrol. 349
428 - Mobile Data Computers. 350
429 - Homeless Persons. 356
430 - Public Recording of Law Enforcement Activity. 360
431 - Suspicious Activity Reporting. 363
432 - Crisis Intervention Incidents. 365
433 - First Amendment Assemblies. 369
434 - Civil Disputes. 376
435 - Medical Aid and Response. 378
436 - Automated License Plate Readers (ALPRs). 384

Chapter 5 - Traffic Operations. 389

500 - Traffic Function and Responsibility. 390
501 - High Risk Traffic Stops. 396
502 - Traffic Collision Reporting. 398
503 - Vehicle Towing. 400
504 - Vehicle Forfeiture Policy. 404
505 - Vehicle Impound Hearings. 405
506 - Impaired Driving. 406
507 - Traffic Citations. 411
508 - Disabled Vehicles. 413
509 - Abandon Vehicles. 414
510 - Vehicles Towed as Hazards. 418

Chapter 6 - Investigation Operations. 421

600 - Investigation and Prosecution. 422
601 - Asset Forfeiture. 427
602 - Informants. 432
603 - Eyewitness Identification. 437
604 - Brady Material Disclosure. 440
605 - Unmanned Aerial System. 443

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606 - Sexual Assault Investigations. 447

Chapter 7 - Equipment. 451

700 - Department-Owned and Personal Property. 452
701 - Personal Communication Devices. 455
702 - Vehicle Maintenance. 459
703 - Vehicle Use. 462
704 - Cash Handling, Security and Management. 467
705 - Personal Protective Equipment. 468

Chapter 8 - Support Services. 472

800 - Property and Evidence. 473
801 - Support Services Division. 484
802 - Restoration of Firearm Serial Numbers. 487
803 - Records Maintenance and Release. 489
804 - Protected Information. 495
805 - Computers and Digital Evidence. 498
806 - Animal Services. 502
807 - Animal Shelter Procedures. 506

Chapter 9 - Custody. 508

900 - Custodial Searches. 509
901 - Prison Rape Elimination. 514

Chapter 10 - Personnel. 524

1000 - Recruitment and Selection. 525
1001 - Evaluation of Employees. 530
1002 - Promotional and Transfer Policy. 533
1003 - Reporting of Arrests, Convictions, and Court Orders. 536
1004 - Anti-Retaliation. 538
1005 - Court Actions Involving Employees. 541
1006 - Drug- and Alcohol-Free Workplace. 542
1007 - Sick Leave. 545
1008 - Vacation and Comp Time Off. 547
1009 - Communicable Diseases. 548
1010 - Smoking and Tobacco Use. 553
1011 - Military Leave. 554
1012 - Personnel Complaints. 555
1013 - Safety Belts. 567
1014 - Body Armor. 569
1015 - Personnel Records. 571
1016 - Telephone and Address Change. 576
1017 - Employee Commendations. 577
1018 - Awards. 579
1019 - Fitness for Duty. 583
1020 - Meal Periods and Breaks. 586
1021 - Lactation Breaks. 587

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1022 - Payroll Records. 589
1023 - Overtime Compensation Requests. 590
1024 - Travel Expenses. 592
1025 - Outside Employment. 593
1026 - Line Of Duty Death Or Serious Injury. 597
1027 - Occupational Disease and Work-Related Injury Reporting. 606
1028 - Personal Appearance - Certified Employees. 608
1029 - Personal Appearance - Non-Certified Employees. 611
1030 - Uniform Regulations. 614
1031 - Uniform Equipment. 619
1032 - Nepotism and Conflicting Relationships. 630
1033 - Employee Involved Domestic Violence. 632
1034 - Temporary Modified-Duty Assignments. 642
1035 - Speech, Expression, and Social Networking. 645
1036 - Wellness Program. 649
1037 - Facial Coverings. 654

Attachments. 656
Military Support Program-1.pdf. 657

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Lincoln County Sheriff's Office to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Peace officers are granted authority by Oregon Revised Statutes to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Sworn members of this office are peace officers pursuant to ORS 161.015. Peace officer authority extends to any place in the State of Oregon.

100.2.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

(a) A peace officer may arrest a person for a crime at any hour of any day or night.

(b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of the peace officer's employment, and the peace officer may make the arrest within the state, regardless of the situs of the offense.

(c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight, or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.

(d) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.233, ORS 161.242, and ORS 161.245.

(e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.

(f) If after giving notice of the peace officer's identity, authority, and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.

(g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

100.3 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person’s clearly established rights under the United States and Oregon Constitutions.

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100.4 POLICY

It is the policy of the Lincoln County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this office recognizes the authority of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When a deputy enters California, Idaho or Nevada in fresh pursuit of a person who the deputy has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).

(c) When a deputy enters Washington while in pursuit of a person the pursuing deputy has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

Whenever a deputy makes an arrest in California, Idaho, Nevada or Washington, the deputy shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Penal Code § 852.3; Idaho Code 19-702; NRS 171.158; RCW 10.89.020).

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Public Safety Certification

101.1 PURPOSE AND SCOPE

This policy outlines certain state certification and training requirements for Office members.

101.2 BASIC CERTIFICATION

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers and dispatchers employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment (OAR 259-008-0060).

101.3 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are required to complete the supervision course or middle management course, respectively, within 12 months of appointment unless a time extension is granted by DPSST (OAR 259-008-0025). Supervisors and managers should also seek the appropriate level of certification (OAR 259-008-0060).

101.4 MAINTENANCE OF CERTIFICATION

In order to maintain certification, all active law enforcement officers and dispatchers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

Active police officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of office-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers (OAR 259-008-0065).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to members.

102.2 OATH OF OFFICE

All members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. The form of oath should be as follows:

"I, (state your name), do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully perform the duties of (state your position) in and for the County of Lincoln and the State of Oregon, to the best of my ability."

102.2.1 CRIMINAL JUSTICE CODE OF ETHICS

All members of the Lincoln County Sheriff's Office are required to subscribe and adhere to the Criminal Justice Code of Ethics as presented in the introduction to this Policy Manual.

102.2.2 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

102.3 POLICY

It is the policy of the Lincoln County Sheriff's Office that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

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Flag and National Anthem Protocol

103.1 PURPOSE AND SCOPE

This policy establishes standards for the demonstration of proper respect for the National Flag and Anthem.

103.1.1 POLICY

Sheriff's Office employees are highly visible representatives of government, and will show proper respect and protocol to our national and state flag.

103.2 PROCEDURES

Employees in uniform will render the military salute only when wearing a hat.

Normally, employees will remove their hat while indoors. For formal occasions, instructions will be given when a hat should be worn

103.2.1 NATIONAL ANTHEM - STAR SPANGLED BANNER

Employees in uniform, while wearing a hat, should render the military salute at the first note of the anthem and retain that position until the last note. All persons not in uniform shall stand at attention facing the flag with the right hand over the heart. Members not in uniform should remove any headdress with their right hand and hold it at the left shoulder, with the hand over the heart.

When the flag is not displayed, those present should face toward the music and act in the same manner required as if the flag were displayed.

103.2.2 PLEDGE ALLEGIANCE TO THE FLAG

The Pledge of Allegiance should be recited while standing at attention, facing the flag. Members not in uniform should remove any headdress with their right hand and hold it at the left shoulder, with the hand over the heart. Persons in uniform shall remain silent while standing at attention, or render the military salute when wearing a hat.

103.2.3 CONDUCT DURING HOISTING, LOWERING OR PASSING OF THE FLAG

Those employees present in uniform and wearing a hat should render the military salute. All other persons present should face the flag and stand at attention. Members not in uniform should remove any headdress and hold it at the left shoulder, with the right hand over the heart.

103.2.4 RESPECT FOR THE FLAG

(a) The national flag shall not be dipped to any person or thing. Regimental colors, state flags, and organization or institutional flags are to be dipped as a mark of honor.

(b) Flags shall never be fastened, displayed used or stored in such a manner as to permit them to be easily torn, soiled, or damaged.

(c) The lapel flag pin is a replica of the flag and shall be worn on the left lapel near the heart. Lapel flag pins are not authorized to be worn while in uniform.

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103.2.5 TIME AND OCCASIONS

(a) Universally the flag is displayed only from sunrise to sunset on buildings and on stationary flagstaffs in the open. The flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness. It is not displayed during inclement weather, except when an all weather flag is displayed.

(b) The flag should be displayed daily on or near the main administration building of every public institution.

(c) On Memorial Day, the flag should be displayed at half-staff until noon only, then raised to the top of the staff.

103.2.6 POSITION AND MANNER OF DISPLAY

(a) No other flag or pennant should be placed above or, if on the same level, top the right of the flag of the United States of America.

(b) When displayed from a staff in a public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience. Any other flag displayed should be placed on the left of the speaker, or to the right of the audience.

(c) The flag should be hoisted briskly and lowered ceremoniously.

(d) The flag, when flown at half-staff, should be first hoisted to the peak of the flag staff for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.

(e) The Governor of a state may proclaim the national flag be flown at half-staff in the event of the death of a present or former official of the government of any state, territory, or possession of the United States.

(f) When the flag is used to cover a casket, it should be placed so the union is at the head and over the left shoulder.

103.2.7 FOLDING THE FLAG

(a) Two persons, facing each other, hold the flag waist high and horizontally between them.

(b) The lower striped section is folded lengthwise, over the blue field. Hold bottom to top and edges together securely.

(c) Fold the flag again, lengthwise, folded edge to open edge.

(d) A triangular fold is started along the length of the flag, from the end to the heading by bringing the striped corner of the folded edge to meet the open edge.

(e) The outer point is turned inward parallel with the open edge, forming a second triangle.

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(f) Repeat the triangular folding until the entire length of the flag is folded.

(g) When the flag is completely folded, only the triangular blue field should be visible.

103.2.8 FLAG PRESENTATION

Presentation of the flag, e.g., posting of colors, during a ceremony should be preceded by a brief talk emphasizing the importance of the occasion. Following the presentation, all present should show respect for the flag according to their attire, recite the pledge of allegiance, and sing the national anthem.

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Policy Manual

104.1 PURPOSE AND SCOPE

The manual of the Lincoln County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this Sheriff's Office. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

104.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

104.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Lincoln County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Lincoln County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

104.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Directives, which shall modify those provisions of the manual to which they pertain. Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

104.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

County - The County of Lincoln County.

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Non-certified - Employees and volunteers who are not sworn peace officers.

Department/LCSO - The Lincoln County Sheriff's Office.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Lincoln County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Lincoln County Sheriff's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Non-certified employees
- Volunteers

OAR - Oregon Administrative Rules (Example: OAR 259-008-0060).

ORS - Oregon Revised Statutes (Example: ORS 153.039).

OSP - The Oregon State Police.

Deputy/sworn - Those employees, regardless of rank, who are sworn peace officers employees of the Lincoln County Sheriff's Office.

On-duty - A member’s status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

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USC - United States Code.

104.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the County's network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

104.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

104.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chief Executive Officer

105.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Lincoln County Sheriff's Office, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060).

105.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that the Sheriff meets the minimum standards for exercising his/her authority granted by law.

105.3 SHERIFF REQUIREMENTS

The Sheriff of this office, as a condition of employment, should have, within two years of appointment or election, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST) and be licensed by DPSST.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Sheriff's Office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public. The Sheriff is responsible for administering and managing the Lincoln County Sheriff's Office.

200.2 DIVISIONS

There are five divisions in the Sheriff's Office as follows:

- Patrol Division
- Jail Division
- Support Services Division
- Animal Control/Shelter
- Emergency Management Division

200.2.1 PATROL DIVISION

The Patrol Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of patrol teams, Marine, Forest, Detectives, and Animal Services.

200.2.2 JAIL DIVISION

The Jail Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for that Division. The Jail Division consists of Corrections personnel and support staff.

200.2.3 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by the Support Services Director whose primary responsibility is to provide general management direction and control for that Division. The Support Services Division consists of the Civil Section, Records and Property/Evidence.

200.2.4 ANIMAL SHELTER DIVISION

The Animal Shelter Division is commanded by the Animal Shelter Manager whose primary responsibility is to provide general management direction and control for the Animal Shelter.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Sheriff's Office.

In the event the Sheriff is incapacitated, the Administrative Lieutenant is in command over all personnel in the Sheriff's Office.

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200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Sheriff's Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment, any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority. Any failure or deliberate refusal to obey a lawful order given by a superior officer or supervisor shall be insubordination.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

200.4 ACCOUNTABILITY

Supervisors and managers shall be accountable for the performance of the members under their immediate control.

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Duties of Certified Employees

201.1 PURPOSE AND SCOPE

The following is a general description of the duties for certified positions within the Lincoln County Sheriff's Office. Specific employee position descriptions provide a more detailed description of duties for each position within the Sheriff's Office.

201.2 SHERIFF

The Sheriff is the Chief Executive Officer and conservator of the peace of the county. As an elected official, he/she is the administrative officer of the Sheriff's Office and held responsible for the conduct of its employees and the efficiency of its operation. It is his/her duty to: select, appoint and assign employees; promulgate directives, rules and regulations for the operation of the Sheriff's Office; direct and supervise the functions of the Sheriff's Office; and keep and maintain adequate records thereof, and render such reports of its operation as the Sheriff may deem appropriate.

201.3 COMMAND OFFICERS

Lieutenants, Support Services Director, and Animal Shelter Manager may be assigned as Division Commanders. He/she is the executive and administrative officer of the Sheriff's Office for the particular assigned division and is responsible to the Sheriff for the activities, conduct and efficiency of the employees assigned therein. A general outline of his/her duties is as follows:

(a) He/she shall direct and supervise the activities and conduct of such employees to the end that the efficiency of the Sheriff's Office as a public safety agency in his/her division may be maintained or enhanced.

(b) He/she shall make recommendations relative to promotions, and awards for conspicuous service within his/her division.

(c) He/she shall maintain adequate records of operations within his/her division and render to the Sheriff full and complete records thereof.

(d) He/she shall exert his/her best efforts to stimulate cooperation with local peace officers and other partner agencies and organizations.

(e) He/she will be held responsible for the care, maintenance and proper use of the equipment issued to the employees under his/her direction.

201.3.1 SERGEANTS

Sergeants shall perform duties as may be assigned to them by the Sheriff or Commander of the division in which they are assigned. They shall assist the Division Commander in the direction and supervision of the activities and conduct of subordinates assigned to each division. In the absence of a Division Commander, a Sergeant may be assigned to assume the duties and responsibilities of the Division Commander.

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201.4 DEPUTY RESPONSIBILITIES

(a) Deputies shall be courteous and considerate in their contact with other peace officers and shall endeavor, through tactful cooperation, to gain their good will and respect.

(b) Without intruding upon the privacy of individuals, Deputies shall make every proper effort to cultivate the good will of law-abiding persons residing in their areas.

(c) Deputies shall provide all possible assistance in cases of accidents, crashes or illness by rendering first aid, and/or summoning medical aid and/or transportation.

(d) Deputies shall courteously furnish correct information and render proper aid to all persons on inquiry or request and shall direct travelers to the nearest and safest route to their destinations.

(e) Deputies shall submit to the Sheriff accurate and complete reports of their general activities and such reports of special activities as circumstances may warrant or the Sheriff require.

(f) Deputies shall faithfully and attentively undergo such course or courses of instruction and training as the Sheriff may from time to time prescribe.

(g) Deputies shall at all times respect the authority of their supervisors. They shall comply strictly with the instructions and obey promptly the legal orders of such supervisors.

201.4.1 PATROL DEPUTIES ONLY

In addition to the responsibilities listed in § 201.4 of this Policy, Patrol Deputies shall also be responsible for the following:

(a) Patrol Deputies shall be responsible for the enforcement of the criminal and traffic laws within Lincoln County, and shall be at all times ready to aid and assist state, federal, and local peace officers.

(b) Patrol Deputies shall diligently patrol the areas assigned to them with the use of equipment provided by the Sheriff's Office.

(c) Patrol Deputies shall be alert and diligent in preserving the public peace and protecting persons and property.

(d) Patrol Deputies shall closely observe areas where persons of known criminal tendencies congregate within their areas and report their observations to their supervisor for possible further action.

(e) Patrol Deputies shall be diligent in enforcing state laws and county ordinances to the end that our communities are safe and secure, the highways of our state and county may be safely used and its natural resources conserved.

1. Patrol Deputies will also enforce city ordinances and codes in cities contracting services from the Sheriff's Office.

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(f) Patrol deputies will respond to all calls for service in a timely and safe manner utilizing methods of contact approved by the Patrol Commander and made available to them by this office.

(g) Patrol Deputies shall be alert and diligent in preventing the intrusion of unauthorized persons upon the scenes of crimes.

(h) Patrol Deputies will seek and preserve evidence, and promptly submit a full and complete report.

(i) Patrol Deputies shall be alert and diligent in discouraging the criminal purpose of persons intent upon committing crimes and in effecting the arrest of any guilty thereof.

(j) Patrol Deputies will seek to identify the person(s) responsible for the commission of crimes and other offenses and arrest any fugitive from justice they may encounter.

(k) Patrol Deputies shall be alert in observing the condition of the highways and shall remove all obstructions and correct all defects if practicable; otherwise, they shall report such obstacles and defects immediately to the communications center for further contact action by the County Road Department or Oregon Department of Transportation.

(l) When congestion of traffic on any highway is observed, they shall immediately report the condition to the Oregon State Police or local jurisdiction and exert their best efforts to direct and control such traffic until relieved.

(m) In making an arrest with or without a warrant and disposing of the person arrested, or in conducting a search under the authority of a search warrant and disposing of the property seized, Deputies shall take care to conform strictly to the practice and procedure outlined in this manual.

(n) Patrol Deputies shall apply the criminal laws impartially and, without fear or favor, promptly make such arrests as the facts of a particular situation warrant.

(o) Patrol Deputies shall be watchful against fires and shall extinguish, when practicable, attend or immediately report any observed, as the circumstances of the particular case may warrant.

(p) Although only certain hours on duty may be required of sworn employees each day, they are nevertheless at all times peace officers responsible for the enforcement of the criminal laws. Deputies are not encouraged to intervene in the commission of a crime when off duty other than to keenly observe the act(s) in order to render complete and accurate information to investigators.

(q) Patrol Deputies shall be alert and diligent in deterring the purposes of terrorists and saboteurs and in averting attacks on public buildings and structures, national defense materials, national defense premises, national defense utilities. In this connection they must bear in mind that highways, bridges and railroads are national defense utilities.

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Bridges, underpasses or overpasses where highway crosses highway, railroad crosses railroad, or one the other, are particularly vulnerable to attack.

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Sheriff's Office Directive

202.1 PURPOSE AND SCOPE

Sheriff's Office directives establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure. Sheriff's Office directives will immediately modify or change and supersede sections of this manual to which they pertain.

202.1.1 SHERIFF'S OFFICE DIRECTIVE PROTOCOL

Sheriff's Office directives will be incorporated into the manual as required upon approval of Staff. Sheriff's Office directive modify existing policies or create a new policy as appropriate. A Sheriff's Office directive will be rescinded once it has been incorporated into the manual.

All existing Sheriff's Office directives have now been incorporated in the updated Policy Manual as of the below revision date.

Sheriff's Office directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 09-01 signifies the first Sheriff's Office directives for the year 2009.

202.2 RESPONSIBILITIES

202.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Sheriff's Office directives.

202.2.2 SHERIFF

The Sheriff or authorized designee shall issue all Sheriff's Office Directives.

202.3 ACCEPTANCE OF DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Sheriff's Office Directives. All employees are required to acknowledge the receipt and review of the directives and any new directives as they become available.

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Emergency Operations Plan

203.1 PURPOSE AND SCOPE

The County has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated (ORS 401.305).

All employees shall receive annual refresher training on the details of the Lincoln County Emergency Operations Plan.

203.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. The Emergency Manager or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

203.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Lincoln County County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

203.3 MANUALS

All supervisors should familiarize themselves with the Emergency Operations Plan and what roles deputy personnel will play when the plan is implemented.

203.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the courthouse, all employees shall follow implemented evacuation plans and posted exit routes (OAR 437-002-0041). The posted exit routes shall include any special directions for physically impaired employees.

203.5 UPDATING OF MANUALS

The Emergency Manager should review the Emergency Operations Plan annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

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Training

204.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

204.2 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local, and the Oregon Department of Public Safety Standards and Training (DPSST) training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

204.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of office members.

(c) Provide for continued professional development of office members.

(d) Ensure compliance with DPSST rules and regulations concerning law enforcement training.

204.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative changes and changes in case law
- State-mandated training
- Prison Rape Elimination Act (PREA)
- High-liability issues training
- Training on office policies and procedures
- Trauma-informed practices (ORS 181A.445)

204.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

(a) Federally mandated training:

1. National Incident Management System training

(b) State-mandated training:

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1. Candidates hired for deputy positions shall commence the basic training course within 90 days of employment. Such candidates shall complete the basic training course and the field training manual within 18 months of employment. The basic law enforcement training requirement may be waived if the candidate meets the criteria established by DPSST (OAR 259-008-0025).
2. During the three-year maintenance schedule, each deputy shall (OAR 259-008-0065):
    (a) Maintain adult and child CPR certification.
    (b) Maintain first aid certification.
    (c) Complete a minimum of 84 hours of Lincoln County Sheriff's Office-approved training, which shall include:
        1. A minimum of 8 hours of firearms or use of force training annually.
        2. A minimum of 1 hour of ethics training annually.
        3. A minimum of 3 hours of mental health/crisis intervention training.
        4. A minimum of 2 hours of airway and circulatory anatomy and physiology training.
        5. A minimum of 3 hours of equity training as prescribed by DPSST.

204.4.2 CAREER DEVELOPMENT PROGRAM

The Training Sergeant shall be responsible for administering the Career Development Program to provide opportunities for growth, development, and retention. Elements or activities for career development may include but are not limited to the following:

(a) Career counseling as part of an annual evaluation process (see the Evaluations of Employees Policy)
(b) Tuition reimbursement benefits
(c) Mentoring programs
(d) Specialized training programs
(e) On-the-job training
(f) Supervisory training
(g) National academy training

204.5 TRAINING COMMITTEE

The Administrative Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Office.

The Training Committee shall be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Administrative Lieutenant may remove or replace members of the committee at his/her discretion.

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The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Administrative Lieutenant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Administrative Lieutenant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Administrative Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

204.6 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or office necessity.

(b) Any member who is unable to attend training as scheduled, shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document the member's absence in a memorandum to the member's supervisor.
2. Make arrangements through the member's supervisor and the Training Sergeant to attend the required training on an alternate date.

204.7 TRAINING COSTS

It is the responsibility of the Division Commander to determine when the Lincoln County Sheriff's Office may be entitled for training reimbursements when a deputy has completed any portion of basic training in the last 36 months and voluntarily leaves employment and is subsequently employed by a different law enforcement agency in a position that requires the same training. If

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it is determined to seek reimbursement for qualifying expenses, the requests shall comply with the provisions of ORS 181A.620.

204.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Lincoln County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Administrative Lieutenant.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet active computer, members shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

204.9 TRAINING MANAGER

The Administrative Lieutenant is responsible for developing, reviewing, updating, and maintaining the office training plan so that required training is completed. The Training Sergeant should review the training plan annually.

204.10 TRAINING RECORDS

The Training Sergeant is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

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Electronic Mail

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the office's electronic mail (email) system by employees of this office. Email is a communication tool available to office employees to enhance the efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law, such as the Oregon Public Records Law set forth in Oregon Revised Statutes 192.311 et seq. Messages transmitted over the email system must only be those that involve County business activities or contain information essential to County employees for the accomplishment of business-related tasks, and/or communication directly related to County business, administration, or practices.

205.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over office networks are considered office records and therefore office property. The Office reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any office system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The Office reserves the right to access any personal folders to assure compliance with this policy.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the office email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Office.

205.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire office are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

205.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Oregon Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

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The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

205.5 ELECTRONIC MESSAGING

(a) The following non-work related uses of the County's electronic messaging system are prohibited. The list provided is intended as examples and is not intended to be all inclusive:

1. Participating in Chat rooms;
2. Participating in active messaging;
3. Engaging in common gossip;
4. Creating or spreading rumors;
5. Any comment personally attacking a member of the Sheriff's Office or other public employee.

(b) Examples of acceptable e-mail communications include:

1. Dinner arrangements with family or friends in a location where a member of the Sheriff's Office will be attending a meeting, training, or other employment related activity;
2. Responding to personal e-mail. Exchanging a series of e-mails should be limited to no more than two;
3. Sharing duty-related information;
4. Fundraisers and volunteer activities related to the Sheriff's Office.

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Administrative Communications

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members with the protocols and forms to be used for internal administrative communications. Administrative communications of this Sheriff's Office are governed by the following policies.

206.2 PERSONNEL ORDERS

Email may be issued periodically by the Sheriff or designee to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

206.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Sheriff's Office are not misused, all external correspondence shall be on Sheriff's Office letterhead. Personnel should use Sheriff's Office letterhead only for official business and with approval of their supervisor.

206.4 SURVEYS

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff or a Division Commander.

206.5 INFORMATIONAL MEMOS

The Sheriff may issue memoranda or email to members from time to time for the purpose of disseminating information to the members.

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Staffing Levels

207.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the Department's need to meet operational requirements.

207.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular deputies on duty whenever possible.

207.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as field supervisors in place of a field sergeant.

With prior authorization from the Patrol Operations Division Commander, a deputy may act as the Patrol Sergeant for a limited period of time.

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Concealed Handgun License

208.1 PURPOSE AND SCOPE

The Sheriff of a county shall issue Oregon concealed handgun licenses to qualified applicants upon receipt of the appropriate fees and after compliance with the procedures set out in ORS 166.291 through ORS 166.295. Police Departments should refer inquiries related to concealed handgun licenses to the Sheriff's Office.

208.1.1 LICENSING PROCEDURE

All concealed handgun license applicants shall be accepted and processed by the Support Services Division. Upon receipt of an application:

(a) The completed Application to Carry a Concealed Handgun will be reviewed by the Support Services Director or his/her designee. If not complete, it should be immediately returned to the applicant for completion.

(b) The Support Services Division will process the application in a timely manner and complete all the procedures as required by law.

208.2 QUALIFIED APPLICANTS

To qualify for an Oregon concealed handgun license, an applicant must meet the criteria set forth in ORS 166.291 et seq.

208.3 APPLICATION PROCESS

Applicants for Oregon concealed handgun licenses must complete a written application, must submit to fingerprinting and photographing by the Sheriff, and the Sheriff shall conduct any investigation necessary to ensure that applicants meet the qualifications.

Immediately upon acceptance of an application for a concealed handgun license, the Sheriff shall enter the applicant's name into the Law Enforcement Data System (ORS 166.291).

208.3.1 WRITTEN APPLICATION

The Sheriff will provide, and the applicant must complete, a uniform application for a concealed handgun license (ORS 166.291).

208.3.2 FINGERPRINTING, PHOTOGRAPHING AND INVESTIGATION

The applicant must submit to fingerprinting and photographing by the Sheriff. The Sheriff shall fingerprint and photograph the applicant and shall conduct any investigation necessary to corroborate the qualification requirements. If a nationwide criminal check is necessary, the Sheriff shall request the Department of State Police to conduct the check, including fingerprint identification, through the Federal Bureau of Investigations (ORS 166.291).

208.4 DENIAL OF CONCEALED HANDGUN APPLICATIONS

If the application for the concealed handgun license is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail, restricted

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delivery, within 45 days after the application was made. If no decision is issued within 45 days, the person may seek review through the procedures set out in ORS 166.293(5).

A Sheriff may deny a concealed handgun license if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence (ORS 166.293).

208.5 ISSUED CONCEALED HANDGUN LICENSES

If the application for the license is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized license bearing the photograph of the licensee. The license must be signed by the licensee and carried whenever the licensee carries a concealed handgun. Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license (ORS 166.292).

The Sheriff shall keep a record of all the licenses that are issued or renewed.

Unless revoked, an Oregon concealed handgun license is valid for a period of four years from the date on which it is issued.

208.5.1 LICENSE RESTRICTIONS

When a Sheriff issues a concealed handgun license, the Sheriff shall provide the licensee with a list of those places where carrying concealed handguns is prohibited or restricted by state or federal law (ORS 166.292).

208.5.2 CHANGE OF LICENSEE’S ADDRESS

If a licensee changes residence, the licensee shall report the change of address and the Sheriff shall issue a new license as a duplicate for a change of address. The license shall expire upon the same date as would the original (ORS 166.295).

208.5.3 REVOCATION OF LICENSES

Any act or condition that would prevent the issuance of a license under Oregon Revised Statutes 166.293 as set out above, is cause for revoking a concealed handgun license.

A Sheriff may revoke a license by serving upon the licensee a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

Any peace officer or corrections officer may seize a concealed handgun license and return it to the issuing Sheriff when the license is held by a person who has been arrested or cited for a crime that can, or would otherwise disqualify the person from being issued a concealed handgun license. The issuing Sheriff shall hold the license for 30 days. If, after 30 days, the person is not charged with a crime the Sheriff shall return the license unless it is revoked.

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A person whose license is revoked may seek review by following the procedure set forth in Oregon Revised Statutes 166.293.

208.5.4 LICENSE RENEWAL

A concealed handgun license is renewable by repeating the application process, except for the requirement to submit fingerprints and provide character references. An otherwise expired concealed handgun license continues to be valid for up to 45 days after the licensee applies for renewal if: the licensee applies for renewal before the original license expires; the licensee has proof of the application for renewal; and the application for renewal has not been denied (ORS 166.295).

208.6 ANNUAL REPORT OF LICENSE REVOCATIONS

The Sheriff shall submit an annual report to the Department of State Police containing the number of concealed handgun licenses revoked during the reporting period and the reasons for the revocations (ORS 166.297).

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Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Lincoln County Sheriff's Office identification cards under the Law Enforcement Officers Safety Act (LEOSA) (18 USC § 926C).

Oregon law authorizes honorably retired peace officers from Oregon or other states to carry a concealed weapon in Oregon. This provision does not authorize Oregon retired peace officers to carry concealed weapons in other states (ORS 166.260).

A State Standard Firearms Qualification Card issued annually is not required for honorably retired deputies to carry a concealed weapon in Oregon. The endorsement is, however, required for retired deputies who wish to carry concealed weapons in other states in accordance with this policy.

209.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide identification cards to qualified retired deputies as provided in this policy.

209.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified retired deputy of this office who (18 USC § 926C(c)):

(a) Separated from service in good standing from this office as a police certified deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

209.3.1 IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy with this office, including the date of retirement.

209.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

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1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Oregon law or by a private person or entity on his/her property if such prohibition is permitted by Oregon law.

209.4 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions, and Court Orders Policy.

209.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

209.6 PROCEDURE

(a) Members who retire or are retired from the Sheriff's Office in good standing and desire to carry concealed firearms in accordance with HR 218 shall comply with the following:

1. During the most recent 12 month period, the retiree has met, at their own expense, the Oregon Department of Public Safety Standards and Training (DPSST) firearm qualification standards.
2. Retirees will schedule their range time with a Training Sergeant to occur at the convenience of the Sheriff's Office Rangemasters overseeing the qualification. Retirees may schedule this during regularly scheduled qualifications if space is available.
3. The Rangemaster will submit to the Training Sergeant the application of any retirees who successfully qualified with their firearm.

(b) Retirees residing outside of Oregon or those who choose not to use the Sheriff's Office rangemasters will:

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1. At their own expense, must meet the firearm qualifications standards for their state of residence counterpart to DPSST.
2. Retirees must submit their completed application and documentation of the qualification on official letterhead from the law enforcement agency overseeing the qualification.

209.7 DOCUMENTATION OF QUALIFIED RETIRED PERSONNEL

The Training Sergeant will maintain a file for each qualified retiree. The file will include the name of each retiree with a current address and the proof of qualification.

209.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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300.2.1 DUTY TO INTERVENE AND REPORT
Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force (ORS 181A.681).

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (ORS 181A.681).

300.2.2 STATE REPORTING REQUIREMENTS
A report of another member using excessive force must be made to a supervisor no later than 72 hours after the misconduct was witnessed (ORS 181A.681).

300.2.3 PERSPECTIVE
When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE
Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

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300.3.1 USE OF FORCE - JUSTIFICATION

A deputy is justified in using force upon another person only when and to the extent that the deputy reasonably believes it necessary (ORS 161.233):

(a) To make a lawful arrest or to prevent the escape from custody of an arrested person; or

(b) For self-defense or to defend a third person from an imminent threat of physical injury.

300.3.2 DEADLY PHYSICAL FORCE PLAN

Lincoln County Deadly Physical Force Plan

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to deputies or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

(c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual’s ability to understand and comply with deputy commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the deputy.

(l) Potential for injury to deputies, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

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300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the deputy.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Lincoln County Sheriff's Office for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (ORS 161.233; ORS 161.242).

300.3.7 VERBAL WARNING PRIOR TO USE OF FORCE

Prior to using physical force, if reasonable to do so, deputies shall give a verbal warning that physical force may be used and provide a reasonable opportunity to comply (ORS 161.233; ORS 161.242).

300.3.8 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and is subject to the following:

(a) At all times during the application of a respiratory restraint hold, the response of the individual should be monitored. The respiratory restraint hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

(b) Any individual who has had the respiratory restraint hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by

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paramedics or other qualified medical personnel and should be monitored until such examination occurs.

(c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the respiratory restraint hold and whether the individual lost consciousness as a result.

(d) Any deputy attempting or applying the respiratory hold shall promptly notify a supervisor of the use or attempted use of such hold.

(e) The use or attempted use of a respiratory hold shall be thoroughly documented by the deputy in any related reports.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving an imminent threat or an imminent risk (ORS 161.242):

(a) A deputy may use deadly force to protect themself or others from what the deputy reasonably believes would be an imminent threat of death or serious bodily injury.

(b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

(c) A deputy may use deadly force to make a lawful arrest when the deputy has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

(d) A deputy may use deadly force to prevent a person from escaping custody when the deputy has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

However, a deputy shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 ANNUAL REVIEW

During February of each year, the Division Commander or his/her designee shall provide to the Sheriff an annual review of all use of force incidents for the previous calendar year. The report will focus on the effectiveness and trends in the use of force that might suggest training or equipment

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needs, or policy modification. Specific detail including items such as deputy names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of the process.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

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(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SUPERVISOR RESPONSIBILITY

The Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Deputies shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

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(b) De-escalation tactics, including alternatives to force.

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Division Commander and Jail Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Lincoln County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Lincoln County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using Sheriff's Office equipment, results in death or very serious injury to another, that employee will be placed in a temporary assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in a temporary assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, to euthanize a non-domesticated animal (deer, elk, etc), or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administrative Lieutenant will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administrative Lieutenant of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administrative Lieutenant should select five Use of Force Review Board members from the following, as appropriate:

- Representation from a non-involved division
- Division Commander from the involved employee's division
- Administrative Lieutenant or Training Sergeant

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- Non-administrative supervisor
- A peer deputy
- A certified peace officer from an outside law enforcement agency
- Sheriff's Office instructor for the type of weapon, device or technique used
- A community member serving on the Sheriff's Office Community Advisory Group

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The employee's actions were within policy and procedure.

(b) The employee's actions were in violation of policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional

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actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Lincoln County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Lincoln County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, deputies, or others.

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302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

302.3.4 NOTIFICATIONS
Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person’s size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.

Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid commingling those wearing spit hoods with other detainees.

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Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Office shall be used.

In determining whether to use the leg restraint, deputies should consider:

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

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(d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.

(e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person’s behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 PRISONER TRANSPORTS

Deputies will take reasonable steps to confirm identity of prisoners being transported. In the absence of photo identification, deputies will attempt to identify the prisoner using other documents, identification, or methods.

302.9.1 ESCAPES

In the event of a prisoner escape, the deputy will immediately notify dispatch and a supervisor. Name, description, and last location of the escapee will be disseminated to other agencies and the public as appropriate.

302.9.2 SICK, INJURED, AND/OR DISABLED

Prisoners whose illness or injury can be treated with first aid may be transported directly to the Jail. Prisoners with minor illnesses or injury requiring hospital treatment may be transported to the hospital in a patrol unit. A supervisor should be advised as soon as practicable.

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Prisoners who are unconscious or who have serious illness or injury will be provided medical care by the most efficient means possible.

Deputies transporting physically or mentally disabled prisoners will make reasonable effort, without compromising safety and security, to provide any special arrangement necessary for the transport.

If it is necessary to transport medicine, wheelchairs, crutches, or other medical items, they will be transported with, but not in the possession of the prisoner. If the Deputy is transporting such a device (in which weapons or contraband could be hidden) the Deputy will inspect the device prior to transport. Prosthetic devices will be searched and may be retained by the prisoner at the descretion of the transporting Deputy.

302.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Lincoln County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Sheriff may also authorize other positions or individual Office members to use specific control devices.

303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 SUPERVISOR RESPONSIBILITIES

The Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the rangemaster for disposition.

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303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances.

Only the Supervisor, Incident Commander, or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of deputies or the public (ORS 181A.708).

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or an approved pouch on the outer vest carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system

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incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

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(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others (ORS 181A.708).

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

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303.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified at least every two years.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the deputy's training file.

(c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this office's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this office's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

303.12 CROWD CONTROL GUIDELINES

For the purpose of this section, "crowd control" means an operation in which crowds are managed to prevent the outbreak of violence or physical harm to persons, or in which an assembly, protest, or demonstration is dispersed (ORS 181A.708).

Handheld chemical incapacitants and kinetic impact projectiles as defined by ORS 181A.708 shall not be used for crowd control, except in situations constituting a riot as defined in ORS 166.015. Tear gas may be used for crowd control when the Supervisor, Incident Commander, or Tactical Response Team (Tactical Response Team) Commander reasonably believes that the use is necessary to prevent death or serious bodily injury or to bring an objectively dangerous and unlawful situation under control (ORS 181A.708).

Prior to deploying tear gas for crowd control purposes, the Supervisor, Incident Commander, or Tactical Response Team Commander shall direct that the intent to use tear gas be announced twice via reasonable and available means, the second announcement occurring after a reasonable amount of time has elapsed to allow for crowd dispersal (ORS 181A.708).

303.12.1 ADDITIONAL CROWD CONTROL CONSIDERATIONS

Deputies may not use electronically amplified noise-producing equipment for crowd control except to make announcements, facilitate movement of emergency vehicles, or as otherwise allowed by law. When possible, announcements shall be made both audibly and visually (ORS 181A.708).

After deploying chemical incapacitants, kinetic impact projectiles, or sound devices in a crowd control operation, and when it is possible to do so safely, deputies shall (ORS 181A.708):

(a) Attempt to take injured individuals to safety or allow them to seek medical help.

(b) Allow emergency medical personnel to reach injured individuals.

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(c) Take reasonable action to accommodate individuals with disabilities when issuing or enforcing orders to disperse.

(d) Coordinate the removal of visible debris caused by the use of tear gas and kinetic impact projectiles.

(e) Make reasonable efforts to notify emergency departments in the vicinity of the type of chemical incapacitants and/or kinetic impact projectiles used.

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

304.2.1 APPROVED CEDS

The CED is non-lethal technology that produces an electrical shock by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor response to disorient, temporarily immobilize, and stun a person without causing permanent injuries. CEDs which may be utilized include: The Remote Electronically Activated Control Technology (R-E-A-C-T) Band-It System, the Ultron II, the Ultron II with the Stun-Shot, the Electronic "Ice" Shield, the Thomas A. Smith Electronic Rifle (TASER) M26, X26, X2, X3, 7, or XREP Cartridge and the Phazzer Enforcer.

304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed office-approved training may be issued and may carry the CED.

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/ magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.

(c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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304.3.1 USER RESPONSIBILITIES
Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

304.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

304.4.1 DEPLOYMENT OF A CED
The Electronic Restraint Notification Form shall be completed by the Correctional Deputy utilizing the equipment anytime the REACT Band-It is deployed for use.

Inmates should be asked to sign the Electronic Restraint Notification Form indicating they understand the purpose of the CED.

Should an inmate refuse to sign the form, "Refused to sign" should appear on the inmate's signature line along with signatures from two Deputies. Once the form is filled out and signed they will be placed in the inmate's Jail Booking File (JB).

Whenever practical, the on-duty Corporal or their designee will be present during deployment of the CED in the Correctional Facility.

When practical, no less than two (2) Deputies will be present during deployment of the CED in the Correctional Facility.

Deployment of the CED during the course of a transport will be at the discretion of the Deputy involved in the use of force incident.

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A CED should not be used in any environment where potentially flammable, volatile, or explosive materials (gasoline, natural gas, propane, flammable chemicals, Methamphetamine labs, etc.) are present.

304.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themself, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete

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the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

Deputies shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

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304.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime reports and the CED report forms (Use of Force Report). Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a office-approved process to preserve the data.

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any deputies sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The deputy should include the following in the arrest/crime report:

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

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(e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

304.7.1 MEDICAL TREATMENT (CORRECTIONS)

Inmates who complain of medical problems after use of a CED system will be provided a "Request for Medical Services" form.

The signed form will be delivered to the on-site medical staff during normal business hours.

In all other instances, the Corrections' shift supervisor will determine if the on-call physician should be contacted and/or if a deputy or ambulance should transport the person to the nearest medical facility.

Deputies shall exercise caution when an inmate is moved to a Non-certified medical facility, as this may be part of a planned escape.

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304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Sergeant. All training and proficiency for CEDs will be documented in the deputy's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Sergeant should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

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(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

305.1.1 SB111 DEADLY PHYSICAL FORCE PLAN

Lincoln County Deadly Physical Force Plan

305.2 POLICY

The policy of the Lincoln County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved deputies.

(d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will include at least one investigator from another law enforcement agency (ORS 181A.790).

Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved LCSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Office or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved LCSO supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any LCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional LCSO members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved LCSO deputy should be given an administrative order not to discuss the incident with other involved officers or LCSO members pending further direction from a supervisor.

2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Division Commander
- Lincoln County Deadly Physical Force Plan
- Lincoln County Major Crime Team
- DA's office
- Psychological/peer support personnel
- Chaplain (if necessary)
- Medical Examiner (if necessary)
- Involved officer’s agency representative (if requested)

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated.

1. Involved LCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-LCSO officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

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(c) Discussions with agency representatives/employee groups will be confidential only as to the discussion of non-criminal information.

(d) A mental health professional shall be provided by the Office. The Office shall pay for at least two sessions with a mental health professional for each involved LCSO deputy. The sessions shall take place within six months of the incident, and an involved deputy shall attend at least one session. As it relates to this mandatory session, "involved deputy" means (ORS 181A.790):

1. A deputy whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.
2. A deputy whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

(e) A mental health professional may also be provided to any other affected LCSO members, upon request.

1. Interviews with a mental health professional will be considered privileged.
2. An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(f) Communications between the involved deputy and a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Supervisor to make schedule adjustments to accommodate such leave.

305.5.5 DUTY ASSIGNMENT RESTRICTIONS

The Office should not return an involved deputy to a duty assignment in which the deputy may have to use deadly force for at least 72 hours after an incident where the application of deadly force resulted in the death of a person. The Office shall maintain the regular pay and benefits for any involved deputy whose assignment is adjusted pursuant to this section (ORS 181A.790). As it relates to this duty assignment restriction, “involved deputy” means (ORS 181A.790):

(a) A deputy whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.

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(b) A deputy whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office should be utilized to provide guidance in a criminal investigation.

If available, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) LCSO supervisors should not participate directly in any voluntary interview of LCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED LCSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved LCSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved LCSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved LCSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

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Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Office.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Investigators will be assigned to work with the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated.

All related reports, except administrative and/or privileged reports, will be forwarded to the designated supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved LCSO deputies to determine

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conformance with office policy. This investigation will be conducted under the supervision of the Supervisor and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to office policies and applicable laws.

(a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

    1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/ her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy’s physical and psychological needs have been addressed before commencing the interview.

    2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

    3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.

    4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

    5. The Supervisor shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.

    6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

    7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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305.8 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel’s Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Lincoln County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff or designee should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Supervisor, Patrol Division Commander and Public Information Officer in the event of inquiries from the media.

No involved LCSO deputyshall make any comment to the media unless he/she is authorized by the Sheriff or a Division Commander.

Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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305.12 REPORTING

If the death of an individual resulted from an officer use of deadly force and occurred in the Lincoln County Sheriff's Office jurisdiction, the Patrol Division Commander will ensure that the Support Services Director is provided with enough information to meet the reporting requirements to the Department of Justice (ORS 181A.790).

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Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Lincoln County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

All other weapons not provided by the Office, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized Sheriff's Office issued handgun is the Smith and Wesson, M&P 9mm handgun.

306.3.2 CARRYING OF FIREARMS

All certified deputies shall carry a weapon while on duty or in uniform.

Detectives are exempt from carrying a weapon when it would directly facilitate accomplishing their task without compromising their safety or the safety of the public. The decision not to carry a weapon shall focus on officer safety, readiness, and the ability to respond appropriately if the need arises. Supervisor approval is required when practical.

306.3.3 RIFLES

The authorized issued rifle is the.223 caliber carbine AR-15 platform.

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Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the rifle shall be properly secured consistent with Sheriff's Office training, in a locking weapons rack, in the vehicle.

306.3.4 AUTHORIZED SECONDARY RIFLE FOR TACTICAL RESPONSE TEAM

Tactical Response Team (TRT) members may have an operational need based on mission specific(s) to deploy a rifle platform other than the authorized issued rifle described above. Any rifle platform approved for use by a TRT member will be issued by the Office and approved by the Sheriff.

306.3.5 AUTHORIZED RIFLE FOR ANIMAL SERVICES

Animal Services Deputies may carry and deploy an authorized rifle issued by the office for use in the performance of their duties. The rifle shall be properly secured in a locking weapons rack, in the vehicle. The rifle will be maintained and cleaned in accordance with Sheriff's Office training and as directed by a firearms instructor.

Animal Services Deputies will attend training as directed by the office.

The general purpose of the rifle is to deploy in situations such as:

1. Reported or discovered wildlife with serious injury in need of euthanization.
2. When authorized or requested by a supervisor for assistance.

306.3.6 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and on the office list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

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(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.3.7 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Certified deputies who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) The weapon shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Browning, Walther, SigSauer).

(b) The purchase of the firearm and ammunition shall be the responsibility of the deputy.

(c) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(d) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(e) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(f) The member will successfully qualify with the firearm prior to it being carried.

(g) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(h) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(i) Members shall only carry authorized ammunition.

(j) When armed, deputies shall carry their badges and Lincoln County Sheriff's Office identification cards under circumstances requiring possession of such identification.

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306.3.8 AMMUNITION
Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT
Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

306.4.2 HOLSTERS
Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 LASER SIGHTS
Laser sights are not approved for on-duty use.

306.5 FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on-duty are required to qualify annually with their duty handgun and rifle, and secondary weapon on an approved range course. The Rangemaster shall keep accurate records of annual qualifications, repairs, maintenance, training or as directed by

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the Training Sergeant. At least annually, all personnel carrying a firearm will receive training on, and demonstrate their knowledge and understanding of the Use of Force Policy.

All firearms proficiency training and qualification courses shall be conducted under the supervision of certified firearms instructors.

306.5.1 NON-CERTIFICATION OR NON-QUALIFICATION

Members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.6 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.6.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the

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animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.6.2 INJURED ANIMALS
A member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.6.3 WARNING AND OTHER SHOTS
Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

306.7 RANGEMASTER DUTIES
The range will be under the exclusive control of a certified Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Office.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to their personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and, on a form that has been approved by the Office, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Training Sergeant.

306.8 FLYING WHILE ARMED
The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who

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intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.

(b) Deputies must carry their Lincoln County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Lincoln County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Deputy's travel. If approved, TSA will send the Lincoln County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) Thedeputy shall carry his/her Lincoln County Sheriff's Office identification card whenever carrying such firearm.

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(b) The deputy is not the subject of any current disciplinary action.

(c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

306.10 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

(d) Rifles removed from vehicles or secure storage room shall be loaded and unloaded outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from secure storage, except with approval of a supervisor.

(g) Any firearm authorized by the Sheriff's Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Sheriff's Office or a Rangemaster approved by the Sheriff's Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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306.10.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

306.10.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

306.10.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

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Knives and Cutting Tools

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for carrying and using knives and other cutting tools.

307.1.1 DEFINITIONS

Knife/Cutting Tool - An instrument for cutting, consisting of a sharp-edged metal or composite blade, fitted with a handle of some type, including other tools that have an edged blade, eg. Leatherman tool.

Immediate Measure of Defense - Taking action or using any implement to defend the deputy's life or safety, or the life or safety of another, with implements or devices not normally intended to be weapons or issued as public safety equipment.

Folding Knife - A knife with a hinged blade.

Fixed-blade knife - Any knife in which the blade and the grip or handle are permanently fused in some manner.

307.2 POLICY

Deputies are authorized to carry knives and/or other cutting tools for purposes pursuant to this policy. This policy is intended to instruct the deputy in the acceptable use of the knife/cutting tool in common tasks.

307.3 PROCEDURES

307.3.1 PRECAUTIONS

Deputies are authorized to possess and use a knife/cutting tool both on and off-duty. While in normal duty uniform or in civilian attire, deputies may carry a folding knife/cutting tool in a specifically designed holder on the duty belt or in a pocket. Folding knife blades/cutting tools must not be casually visible to the public, except during intentional use by the deputy.

During special operations or assignments, such as search parties in rough terrain, and rescue operations, deputies may carry fix blade knives in sheaths on the belt, and the knife/cutting tool and sheath may be visible to the public. All carriers, sheaths, and knives/cutting tools must be of the type normally carried by deputies, and subject to approval of the Sheriff or designee.

It is recognized that deputies may have many needs for a knife/cutting tool, including both general work and for limited defensive purposes. While not considered to be a primary weapon of choice in a defense-of-life situation, deputies may, under rapidly unfolding circumstances use a knife/cutting tool in defense of their life and the lives of others.

307.3.2 GENERAL USE

The deputy shall use reasonable care in the general use of the knife/cutting tool as a tool to prevent injury to the deputy and others. General use of knives/cutting tools may be employed in such

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actions as cutting injured occupants out of seat belts, to release flex restraints in emergencies, to pry, open, cut, etc.

The carrying and use of any knife/cutting tool by on and off-duty deputies is done as unobtrusively as possible so as not to alarm any bystander. Deputies must use the knife/cutting tool in a safe and responsible manner, taking care not to exhibit or handle the knife/cutting tool carelessly.

307.3.3 DEFENSIVE USE

Deputies may use a knife/cutting tool as a weapon of defense under rapidly and unfolding circumstances where deadly force is justified under the Use of Force Policy.

Deputies are cautioned that a knife/cutting tool is primarily a cutting tool to assist them in their daily duties and is not intended to be a primary weapon of defense. Rapidly and unfolding circumstances, however, may dictate that the knife/cutting tool be used as an immediate measure of defense of life.

Deputies are cautioned that while any use of deadly force is a grave undertaking by police, the use of any knife/cutting tool against another human being may be viewed as an extraordinary defensive measure, and should be reserved for those situations where defensive options are limited.

307.3.4 REPORTING USE OF KNIFE/CUTTING TOOL

Any use of force application of the knife/cutting tool will be reported pursuant to the Use of Force Policy.

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Deputy Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

309.2 RESPONSE TO CALLS

Deputies shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Deputies responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to ORS 820.300 and ORS 820.320. Deputies shall only use the wail and yelp function of the siren as an emergency sound. The hi-lo function of the siren is not considered an emergency sound pursuant to OAR 735-110-0000(8) and OAR 735-110-0010(1-3).

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons.

ORS 820.320(2) allows deputies to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence, Deputies who fail to use appropriate warning equipment, are not exempt from following the rules of the road (ORS 820.300).

Deputies responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.2.1 UNMARKED PATROL VEHICLES

Deputies operating unmarked police vehicles must exercise caution when responding to emergency calls. Deputies should be mindful that unmarked vehicles are not equipped with the high visibility overhead lights and Sheriff decals. Unmarked police vehicles may be more difficult for motorists to detect than marked police vehicles. Therefore, speeds should be reduced accordingly.

309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify the communications center.

If circumstances permit, the requesting deputy should give the following information:

- The unit number

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- The location
- The reason for the request and type of emergency
- The number of units required

309.3.1 NUMBER OF UNITS ASSIGNED
Normally, no more than two units should respond to an emergency call Code-3 unless the field supervisor authorizes an additional unit(s).

309.4 INITIATING CODE 3 RESPONSE

Generally, no more than two units should respond Code-3 to any situation. Should additional deputies believe a Code-3 response is appropriate, Dispatch shall be notified and the field supervisor will make a determination as to whether any additional deputies driving Code-3 is appropriate.

309.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections as may be necessary for safe operation.

The decision to continue a Code-3 response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the communications center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, a deputy shall immediately give the location from which he/she is responding.

309.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign cover officers to respond when a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the supervisor

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the field supervisor

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309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the field supervisor shall verify the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

309.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the field supervisor, or the communications center of the equipment failure so that another unit may be assigned to the emergency response.

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Civil Process

310.1 PURPOSE AND SCOPE

To establish procedures for the service of subpoenaes, court orders and other civil process by Sheriff's Office personnel.

310.1.1 POLICY

It is the policy of this Office to serve all civil process, court orders, summons and complaints, forced eviction and detainer, citations, motions, petitions, restraining orders, subpoenas and writs of assistance in accordance with applicable Oregon Revised Statute.

310.2 CIVIL PROCEDURES

(a) Deputies will serve the following civil process in accordance with Oregon Revised Statute in the manner prescribed below:

1. Personal Service-Service must be made to the person named in the papers to be served.
2. Substitute Service-Service to someone other than the person named in the papers. If substituted service is made the name, age, and relationship of the person actually served must appear on the case jacket and this person must be over 14 years of age and living in the same residence.
3. Official Service-Service may be made by leaving a true copy of the summons and complaint at the office of the business the person operates, with the person who appears to be in charge.

(b) Civil process papers may be served differently depending on the type of paper to be served. The following list specifies how each type of civil process will be served:

1. Service of Summons and Complaint - F.E.D. must be served on the date specified on the top portion of the envelope.
2. Service of Citations must be made by personal service before the date specified at the top portion of the envelope.
3. Service of Motions must be made by personal service to the person named in the papers.
4. Service of Affidavits must be made by personal service to the person named in the papers.
5. Service of Petitions must be made by personal service to the person named in the papers.
6. Service of Order, Appearance and Show Cause must be made by personal service before the date specified at the top of the envelope.

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7. Service of Notices must be made by personal service to the person named in the papers.
8. Service of Restraining Order must be made by personal service to the person named in the papers and must be served as soon as possible.
9. Service of Execution of Restitution may be served to the person named in the papers or if not home may be posted on the door.
10. Service of Out of State Papers must be made by personal service unless otherwise specified.
11. Service of Criminal Subpoenas must be made by personal service no later than the date specified at the top of the envelope. Serve the copy and return the original by signing it and placing it back in the envelope.
12. Service of Juvenile Summons and Petition must be made by personal service before the date at the top of the envelope. If the person to be served is under 14 years of age, service must be done in the presence of a parent or legal guardian.
13. Service of Summons and Complaint or Trustees Notice of Sale must be made by delivering the summons with a copy of the complaint to: If the action is against a private corporation, to the registered agent or head of the corporation or corporate officer; If against any county, incorporated city, school district, etc., to the Clerk or Secretary thereof; If against a minor under the age of 14 years of age, to the minor personally and also to his parent or legal guardian; If against a person judicially declared to be of unsound mind or incompetent or incapable of conducting his own affairs, to the defendant personally and his legal guardian; If against a person who is a resident of this state and who has appointed his agent or attorney to receive and accept such services, then to such attorney or agent; In all other cases, to the defendant personally, or if they are not found, to some person of the family over the age of 14 who lives in the same residence.

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Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

311.2 POLICY

The Lincoln County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Division in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

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(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in the CAD call screen for the incident. Minimum information should include a summary of the event, involved parties, including witnesses and juveniles if applicable. The investigating deputy should consider generating a report if circumstances warrant or the deputy believes additional documentation is needed beyond a CAD summary, or a referral to another service agency is needed..

311.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

A deputy who has probable cause to believe there are circumstances for a mandatory arrest or that a victim is in immediate danger of abuse may apply for an emergency protective order with the consent or permission of the victim (ORS 133.035).

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311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

311.7.1 ENTRY OF FOREIGN COURT ORDERS INTO DATA SYSTEMS

When an individual presents a copy of a foreign restraining order for entry into LEDS, the Sheriff shall enter the order into LEDS and NCIC after promptly verifying (ORS 24.190):

(a) The validity of the order.

(b) The order can be enforced pursuant to ORS 24.190.

(c) The individual restrained has been served a copy of the order or has notice of the order.

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

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311.8.1 SERVICE OF COURT ORDERS
Deputies should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any deputy serving such a restraining order shall ensure that a copy of proof of service is returned to the Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

311.8.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS
A deputy who obtains an emergency protective order for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).

The deputy who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the deputy shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the deputy shall notify the court (ORS 133.035).

If a deputy receives a termination order from the court, the deputy shall ensure that the order is promptly removed from LEDS (ORS 133.035).

311.9 STANDARDS FOR ARREST

(a) Deputies who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 107.705, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).

(b) Dual arrests are not required (ORS 133.055). Deputies shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, a deputy shall consider:

1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
2. If reasonably ascertainable, the history of domestic violence between the persons involved.
3. Whether any alleged crime was committed in self-defense.
4. The potential for future assaults.

(c) Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Deputies have no authority to release the arrested person.

(d) Deputies shall arrest and take a suspect into custody when the deputy has probable cause to believe that a restraining order or emergency protective order has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order (ORS 133.310).

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311.10 REPORTS AND NOTIFICATIONS

Deputies should document in their report that they provided each domestic violence victim with a copy of the office's domestic violence victim information handout (ORS 133.055).

Reporting deputies should also provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

311.10.1 EMERGENCY PROTECTIVE ORDERS

The Support Services Director shall ensure that a system is in place that provides deputies at the scene of an alleged violation of an emergency protective order of the terms and existence of the protective order (ORS 133.035).

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Portable Audio/Video Recorders

312.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment (ORS 133.741).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Lincoln County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

312.2 POLICY

The Lincoln County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

312.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time, and any recording made while acting in their official capacity of this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

312.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, LCSO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

312.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Additionally, the portable recorder should be activated in the correctional facility:

(a) When there is a reasonable belief force may be used

(b) When there is a reasonable belief civil liability may arise

(c) When an inmate has caused damage to an area of the facility

(d) When contacting an arrestee/inmate that is reasonably believed to be uncooperative or combative

(e) Prior to entry into a cell for extraction or before making contact with a combative arrestee/inmate in the sally port, booking or any other area of the facility

Unless there are exigent circumstances or concerns for the safety of the member or any other person, body-worn cameras shall be activated whenever the deputy has or develops reasonable suspicion or probable cause that an offense has been or will be committed by a person in contact with the member (ORS 133.741).

Members shall notify all parties to the conversation that a recording is being made unless pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7) and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endangers human life) (ORS 165.540).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

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At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

312.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

312.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

312.5.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

312.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All recordings shall be retained at the Office or by any office-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Supervisor. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

312.6.1 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

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312.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report. All portable recordings should be downloaded by end of workweek unless supervisor approval is obtained for extension.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

312.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s

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privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

312.9 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are Sheriff's Office records and may only be released as provided in the Records Release policy or for other authorized legitimate business purposes.

312.10 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

312.11 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

Recordings made from body-worn video cameras no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741).

312.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

312.11.2 STORAGE OF DATA BY VENDORS

Any contract with a third-party vendor for data storage of recordings from body-worn video cameras must state that all recordings are the property of the Lincoln County Sheriff's Office, not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the Lincoln County Sheriff's Office (ORS 133.741).

312.12 TRAINING

Sheriff's Office members participating in the Body Worn Camera Program shall receive training on the use and administration of any body worn video camera device prior to deployment or use in an official capacity. All members will complete maintenance training on a three-year cycle.

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Search and Seizure

313.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Lincoln County Sheriff's Office personnel to consider when dealing with search and seizure issues.

313.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

The Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

313.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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313.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

(a) Members of this office will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

313.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and policy have been met.

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Temporary Custody of Juveniles

314.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Lincoln County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes a juvenile taken into protective custody pursuant to a court order or without an order when there is reasonable cause to believe that (ORS 419B.150; ORS 419B.152):

(a) An imminent threat of severe harm to the child exists.

(b) The child poses an imminent threat of severe harm to self or others.

(c) An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists.

(d) The child has run away from home.

This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other office member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

314.2 POLICY

The Lincoln County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Lincoln County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

314.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Lincoln County Sheriff's Office:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Lincoln County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

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314.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Lincoln County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Lincoln County Sheriff's Office without authorization of the arresting deputy's supervisor or the Supervisor.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond five hours from the time of his/her entry into the Lincoln County Sheriff's Office (ORS 419B.160; ORS 419C.130).

314.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Lincoln County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible (ORS 419B.165; ORS 419B.168; ORS 419B.152). Juvenile non-offenders may not be held in secure custody (34 USC § 11133; ORS 419B.160).

Prior to releasing a non-offender to the noncustodial parent, deputies shall run a criminal records check on the noncustodial parent and any adults in the same home as the noncustodial parent (ORS 419B.165).

314.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

314.4.3 CUSTODY OF JUVENILE OFFENDERS

Generally, a juvenile offender may be taken into custody:

(a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).

(b) When there is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080).

(c) When, if the juvenile were an adult, he/she could be arrested without a warrant (ORS 419C.080).

A deputy shall take a juvenile into custody when the deputy has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

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Generally, a deputy may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).

Juvenile offenders should be held in non-secure custody while at the Lincoln County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

314.4.4 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

(a) The court has issued a warrant of arrest for the juvenile.

(b) The deputy has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

(c) When the deputy has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the deputy shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

314.5 NOTIFICATION TO PARENT OR GUARDIAN

As soon as practicable after a juvenile is taken into custody, the deputy taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

(a) Reason the juvenile was taken into custody

(b) Location where the juvenile is being temporarily detained

(c) Intended disposition

(d) Time and place of any hearing

314.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Lincoln County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

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314.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Lincoln County Sheriff's Office shall ensure the following:

(a) The Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Lincoln County Sheriff's Office more than four hours. This will enable the Supervisor to ensure no juvenile is held at the Lincoln County Sheriff's Office more than five hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

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314.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Lincoln County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

314.9 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Lincoln County Sheriff's Office shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Lincoln County Sheriff's Office.

314.10 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this office should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile’s safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

314.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Lincoln County Sheriff's Office. The procedures will address:

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(a) Immediate notification of the on-duty supervisor, Sheriff and Detective Division supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the County Counsel.

(e) Evidence preservation.

314.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation. (See the Investigation and Prosecution Policy.)

314.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

Other juveniles taken into custody may only be fingerprinted or photographed (ORS 419A.250(1)):

(a) Pursuant to a search warrant.

(b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.

(c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.

(d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

314.14 RECORDS

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in the Records Maintenance and Release Policy.

314.15 TRAINING

Office members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Lincoln County Sheriff's Office members as required by law.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

315.2 POLICY

The Lincoln County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Lincoln County Sheriff's Office shall notify the Department of Human Services (DHS) when a member has reasonable cause to believe that any of the following persons have suffered abuse:

(a) An elderly adult, age 65 years or older (ORS 124.060)

(b) An adult with mental illness or developmental disabilities (ORS 430.765)

(c) A resident of a long-term care facility (ORS 441.640)

(d) An adult (18 years or older) who is receiving services for a substance use disorder or a mental illness in a state hospital or facility (as defined by ORS 430.735) (ORS 430.765).

Members shall also notify DHS when the member comes in contact with a person who they reasonably believe is abusing any of the above individuals.

For purposes of notification, abuse includes physical injury, neglect, abandonment, verbal abuse, financial exploitation, sexual abuse, sexual offenses, involuntary seclusion, and wrongful use of physical or chemical restraints as provided in ORS 124.050, ORS 430.735, and ORS 441.630.

An adult with mental illness or developmental disabilities means an adult, 18 years or older, with (ORS 430.735):

(a) A developmental disability who is currently receiving services from a community mental health or developmental disabilities program or facility, as defined by ORS 430.735, or who was previously determined eligible for services as an adult.

(b) A severe and persistent mental illness who is receiving mental health treatment from any such community program or facility.

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315.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (ORS 124.065; ORS 430.743; ORS 441.645):

(a) All notifications to DHS shall be made as soon as practicable by telephone.

(b) Information provided to DHS shall include, if known:

1. Name, age and address of the person abused
2. Present location of the adult
3. Name and address of the person responsible for the adult
4. Identity of the perpetrator
5. Nature and extent of the abuse and any evidence of previous abuse
6. Any explanation given for the abuse
7. Date of the incident
8. Any other information that may be helpful in establishing the cause of the abuse

(c) In cases where DHS has notified the Office of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.

(d) DHS shall also be notified whether (ORS 124.070(3); ORS 430.745(7)):

1. There will be no criminal investigation and the explanation of why there will be no such investigation.
2. The investigative findings have been forwarded to the District Attorney for review.
3. A criminal investigation will take place.

(e) In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).

(f) Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

315.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 430.739).

315.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The Office must begin investigations of abuse in a long-term care facility (ORS 441.650):

- Within two hours where a resident's health or safety is in imminent danger or the resident recently died, was hospitalized or was treated in an emergency room.
- Prior to the end of the next working day if circumstances exist that could result in abuse and place the resident's health or safety in imminent danger.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All investigations into suspected cases of adult abuse shall include a personal visit to the elderly person suspected of being abused (ORS 124.070).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

315.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact DHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible

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adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to DHS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

315.6.1 DHS ASSISTANCE

An deputy shall cooperate with DHS when assistance is requested by written notice to gain access to an abused person and the deputy believes that there is reasonable cause that a crime has been committed and an emergency exists that requires access to the person to ensure his/her safety (ORS 124.065; ORS 430.743; OAR 411-020-0085).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

315.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

315.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

315.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES

The supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

315.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify a supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

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315.10.1 SUPPORT SERVICES DIVISION RESPONSIBILITIES
The Support Services Division is responsible for:

(a) Providing a copy of the adult abuse report to DHS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

315.10.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 124.090; ORS 430.763; ORS 441.671).

315.11 TRAINING

The Office should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

316.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

This policy also applies to office elected officials (ORS 243.319).

316.2 POLICY

The Lincoln County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

316.3 DEFINITIONS

Definitions related to this policy include:

316.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law (ORS 659A.030; ORS 659A.082; ORS 659A.112).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to the office policy and to a work environment that is free of discrimination.

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316.3.2 RETALIATION
Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

316.3.3 SEXUAL HARASSMENT
The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

316.3.4 HOSTILE WORK ENVIRONMENT
A hostile work environment exists when a member experiences workplace harassment and fears going to work because of the offensive intimidating, or oppressive atmosphere generated by the harasser(s).

316.3.5 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

316.4 RESPONSIBILITIES
This policy applies to all office members who shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and

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make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Sheriff or Human Resources Director.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

316.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

1. Unless a member objects in writing, a supervisor designated by the Sheriff shall follow up with a member once every three months for a year following the date on which the member reported the incident to determine whether the alleged harassment has stopped or if the member has experienced retaliation (ORS 243.321).

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Sheriff or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

316.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Office and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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316.4.3 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff or the Human Resources Directorfor further information, direction, or clarification.

316.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

316.5.1 SUPERVISOR RESOLUTION
Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

316.5.2 FORMAL INVESTIGATION
If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff or the Human Resources Director.

316.5.3 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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316.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff or the Human Resources Director, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

316.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

316.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

316.8 ADDITIONAL REQUIREMENTS

The Human Resources Director should consult with the County Department of Human Resources Human Resources Director to ensure that all required notifications regarding unlawful employment discrimination are available to former, current, and prospective employees, as appropriate (ORS 243.319; ORS 243.323).

When any member complains about discriminatory harassment, the person receiving the complaint should provide a copy of this policy to the member (ORS 243.319).

A member may file a complaint with the Bureau of Labor and Industries and also may have other legal remedies under Oregon law (ORS 243.319).

(a) Administrative complaints regarding federal discrimination claims must be filed within 300 days of the alleged unlawful employment practice (42 USC §2000e-5(e)(1)).

(b) Administrative complaints regarding state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.820(3)).

(c) A civil lawsuit alleging state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.875).

(d) A civil lawsuit alleging federal discrimination claims must be filed within 90 days of the receipt of a right to sue letter from the Bureau of Labor and Industries and/or the EEOC (42 USC §2000e-16(c)).

(e) The statute of limitations periods for crimes related to sexual harassment vary from two to 12 years.

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(f) Claims made against the Lincoln County Sheriff's Office require advance notice pursuant to ORS 30.275 (ORS 243.319).

A member may file a complaint with the Office within four years from the date of the alleged incident or within the time limitation specified in ORS 659A.875, whichever is greater (ORS 243.321).

A member who believes the member has been subjected to workplace harassment may access available community services and any support services provided by the Office, such as the employee assistance program (ORS 243.319).

No member will be required or coerced into a nondisclosure (confidentiality) or nondisparagement (an agreement not to say anything negative about the Lincoln County Sheriff's Office or its members in any form of communication) agreement. A member may voluntarily enter into an agreement that contains a nondisclosure or nondisparagement provision and has a minimum of seven days to revoke said agreement (ORS 243.323).

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Child Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Lincoln County Sheriff's Office members are required to notify the Department of Human Services (DHS) of suspected child abuse.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

317.2 POLICY

The Lincoln County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

317.3 MANDATORY NOTIFICATION

Members of the Lincoln County Sheriff's Office shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse (ORS 419B.010).

For purposes of notification, a child is an unmarried person who is either (ORS 419B.005(2)):

(a) Under 18 years of age.

(b) A child in care as defined in ORS 418.257.

For purposes of notification, abuse of a child includes but is not limited to assault or physical injury of a non-accidental nature; rape, sexual abuse, or sexual exploitation, including contributing to the sexual delinquency of a minor; threatened harm; negligent treatment or maltreatment; buying or selling a child; unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid extract; permitting a child to enter or remain in or upon premises where methamphetamines are manufactured; or any other act described in ORS 419B.005(1)(a) and OAR 413-015-0115.

317.3.1 NOTIFICATION PROCEDURE

Notification shall be made to DHS through the centralized child abuse reporting system and shall include the following, if known (ORS 419B.015):

(a) The name, address, and age of the child

(b) The name and address of the child's parents or other person who is responsible for care of the child

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(c) The nature and extent of the child abuse, including any evidence of previous abuse

(d) The explanation given for the child abuse

(e) Any other information that may help establish the cause of the child abuse and the identity and whereabouts of the perpetrator

If the alleged child abuse occurred at a facility or was perpetrated by a person from a facility that requires a state license from the Department of Early Learning and Care (DELC) (e.g., child care facility), notification and the outcome of the investigation shall also be reported to DELC (ORS 419B.020).

If the alleged child abuse occurred in a school or was related to a school-sponsored activity, or amounts to sexual conduct under ORS 339.370, notification and the outcome of the investigation shall also be reported to the Department of Education (ORS 419B.020).

317.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 418.747).

317.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a deputy shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

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(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

317.5.1 KARLY’S LAW

In all cases of suspicious physical injury to a child, the investigating deputy shall, in accordance with any relevant county multidisciplinary team protocols (ORS 419B.023):

(a) Immediately photograph or cause to be photographed any visible injuries or any injuries identified by the child if practicable, in the manner described in ORS 419B.028.

(b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files maintained by the Office by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).

(c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating deputy shall ensure that the child is evaluated by an available physician, licensed physician assistant, or licensed nurse practitioner.

317.5.2 INVESTIGATIONS ON SCHOOL PREMISES

When an investigation of child abuse is conducted on school premises, the investigating deputy shall first notify the school administrator of the investigation, unless the school administrator is a subject of the investigation. The investigator shall present identification to school staff members. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the suspected victim, the investigating deputy should inquire whether the child has any disabilities that may affect the interview process. These provisions apply to an investigation that involves an interview with the suspected victim of abuse or witnesses and not to investigations or interviews of a person suspected of having committed the abuse (ORS 419B.045).

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317.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact DHS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to DHS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ORS 419B.150):

(a) When there is reasonable cause to believe any of the following:

1. An imminent threat of severe harm to the child exists
2. The child poses an imminent threat of severe harm to self or others
3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists

(b) When the juvenile court has issued a valid order that the child is to be taken into protective custody

317.6.1 NOTICE TO PARENTS

When a deputy takes a child into protective custody, if possible, the deputy shall:

(a) Make reasonable efforts to immediately notify the child’s parents or guardian, regardless of the time of day.

(b) Advise the reason the child has been taken into custody.

(c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

317.6.2 SAFE HAVEN PROVISION

A parent may leave an infant who is not more than 60 days old at an authorized facility, including this office, as long as the child displays no signs of abuse (ORS 418.017).

When an infant is surrendered to this office, members of the Lincoln County Sheriff's Office shall follow the provisions set forth in ORS 418.017.

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317.7 INTERVIEWS

317.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

317.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not involuntarily detain a child who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

317.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

317.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

317.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Division Supervisor should:

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(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Detective Division Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

317.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Division supervisor so an interagency response can begin.

317.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

317.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 419B.035).

Information may be shared to the appropriate military authorities regarding a child who is the subject of a report of child abuse when the parent or guardian of the child is in the military (ORS 419B.015).

317.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Detective Division supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all office members (ORS 418.747).

317.10.3 CHILD FATALITY REVIEW TEAMS

This office should cooperate with any child fatality review team and investigation (ORS 418.785).

317.10.4 DISPOSITION OF INVESTIGATION

Each investigation of child abuse shall be concluded with one of the following dispositions (ORS 419B.026):

- Founded
- Unfounded

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- Undetermined

If the investigation determines that the child abuse allegations were founded, the investigating deputy shall notify DHS by making an oral report and a written report pursuant to DHS protocols (ORS 419B.020).

317.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for their chronological age and developmental stage
2. Mentally or behaviorally disabled
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
4. Absent from home for more than 24 hours before being reported to law enforcement as missing
5. In a life-threatening situation
6. In the company of others who could endanger their welfare
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk
9. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320)
10. A victim of first- or second-degree custodial interference or kidnapping (ORS 181A.310)

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Oregon Law Enforcement Data System (LEDS), and the Oregon State Police Missing Children Clearinghouse.

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318.2 POLICY

The Lincoln County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Lincoln County Sheriff's Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Division Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

318.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

318.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and submit to a supervisor for review.

318.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Support Services Division.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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318.6.2 SUPPORT SERVICES DIVISION RESPONSIBILITIES

The responsibilities of the Support Services Division receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Detective Division.

(e) Coordinating with the NCIC Terminal Contractor for Oregon to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

318.7 DETECTIVE DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Shall, if the person has not been located within 30 days, ensure that a biological sample, if available, is forwarded to the Oregon State Police (ORS 146.187).

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update the Oregon LEDS, the Oregon State Police Missing Children Clearinghouse, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person

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is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

318.8 A CHILD IS MISSING PROGRAM

The first several hours after a child, elderly (often with Alzheimer's, Dementia), college student on campus or disabled person is reported missing can be critical to the successful outcome of the case. A Child Is Missing Alert program (ACIMA) is a valuable tool for law enforcement if used properly. A Child Is Missing Alert will generate telephone calls to local residents within fifteen (15) minutes after initiation by law enforcement.

It is the policy of the Lincoln County County Sheriff's Office to utilize A Child Is Missing Alert only for missing children, elderly, college students on campus and disabled persons whenever the criteria of the following procedures are met.

A Child Is Missing Alert is an additional tool for law enforcement. It does not replace or preclude a thorough investigation and/or search by law enforcement officers in the field, or take the place of the AMBER ALERT.

318.8.1 FACTORS FOR DETERMINING USE OF ACIMA

Juveniles:

(a) The juvenile should be 17 years or younger

(b) The reporting person must be an adult family member, teacher, or another adult (guardian) who is responsible for the child/individual

(c) If the juvenile is a habitual runaway, ACIMA would be used if foul play is suspected, or at the agency's discretion

(d) A first-time runaway should be called on

(e) Stranger abduction prior to calling the Amber Alert.

Senior Citizens:

(a) The person must be 55 years of age or older

(b) Out-of-character for the elderly person

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(c) ACIMA should be used even if an elderly person is a frequent walk away from a nursing facility

(d) Known Alzheimer's or Dementia patient

Disabled Person:

(a) There is no age stipulation for a disabled person

(b) For purposes of the ACIMA, a disabled person will fall into one of the following categories:

1. The person has a physical or mental impairment that severely limits self-care
2. The person is disoriented or unable to respond to simple questions
3. The person is dependent upon life sustaining medication or unconscious
4. The approving supervisor may take into account exigent circumstances that may influence using ACIMA even if the person is a habitual runaway or walk-away. Examples of these circumstances are: suspected foul play, imminent severe weather, etc.

318.8.2 PROCEDURE
When the decision to use ACIMA has been made, the investigating deputy will immediately call A Child Is Missing 24/7, 365.

The approving supervisor will determine what phone number will be supplied to ACIMA for the public to contact the Sheriff's Office with information about the missing person. Contact the communications center to make them aware that ACIMA will be working on the case with the deputy. The investigating deputy will call ACIMA at 1-888- 875-2246 or page the operator at 1-954-492-4778 Follow-Up Investigation:

(a) When the missing person is found, the supervisor or investigating deputy will call A Child Is Missing to report the recovery. A "Case Follow-Up Report" will be faxed to the Sheriffs office. The deputy/supervisor in charge of the case will fill out the report and fax it back to A Child Is Missing (954-763-4569). This report will be sent through channels to be included with the original NIBRS report.

318.9 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Support Services Director shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the Oregon State Police.

(b) A missing child’s school is notified.

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(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the Oregon State Police.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

(f) All information and materials obtained for the purpose of identifying the missing person are destroyed if the person is found, or sealed if the person is found to be no longer living (ORS 146.189(2)).

318.9.1 UNIDENTIFIED PERSONS

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

318.10 CASE CLOSURE

The Detective Division Supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Lincoln County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

318.11 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews

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2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of office members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

(o) Interacting with individuals with cognitive impairment, including dementia, intellectual and developmental disabilities, and brain injuries (ORS 181A.320).

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Public Alerts Including Amber Alerts

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

319.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), mass calling system, local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

319.3 RESPONSIBILITIES

319.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Lincoln County County Sheriff's Office should notify their supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor should promptly notify the appropriate Division Commander when any public alert is generated.

The supervisor in charge of the incident to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Cancelling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

319.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

319.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

(a) There is confirmation that a child abduction has occurred.

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(b) The child is under 18 years of age.

(c) The child may be in danger of serious bodily harm or death.

(d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.

(e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

319.4.2 PROCEDURE

When a deputy receives a report of a missing child and there is a possibility the child was abducted, the deputy will complete an Amber Alert Checklist. Any employee receiving an abduction report shall notify the appropriate Patrol Supervisor as soon as practical. The Patrol Supervisor will then determine whether or not the abduction meets the criteria for triggering an Amber Alert. The Patrol Supervisor shall promptly notify the Sheriff and the appropriate Division Commander.

(a) The investigating deputy will provide the necessary information to the Patrol Supervisor who will coordinate with the Northern Command Center for activation of the AMBER Alert and the release of the information.

(b) If it is determined through the preliminary investigation that the abduction fits the criteria for an AMBER Alert, the Supervisor will contact the Oregon State Police Northern Command Center in Salem at 503-375-3555 to request activation of an AMBER Alert and provide them with the abduction information.

(c) The Patrol Supervisor will activate the Major Crime Team. The lead investigator determine if the Oregon State Police or an investigator from the Major Crime Team will staff the tip line phones.

(d) The Patrol Supervisor will prepare an initial media release that includes all available information which might aid in locating the child, such as:

1. The child's identity, age, physical and clothing description.
2. Photograph if available.
3. The suspect's identity, age, physical and clothing description, if known.
4. Pertinent vehicle license number and description if known.
5. Detail regarding location of incident, direction of travel and potential destinations, if known.
6. Contact information for the Public Information Officer or other authorized individual to handle media liaison.

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7. A telephone number for the public to call in with leads/information.

(e) Distribute the media release to the local television and radio stations and to the Oregon State Police for activation of the Emergency Alert System. The Patrol Supervisor will provide additional news releases and/or briefings as needed.

(f) At least two detectives should be assigned to screen and assign leads received at the tip center.

(g) Information on the abducted child, suspect vehicle and suspect should be entered into LEDS and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, must be entered into the National Crime Information Center (NCIC) system in order to trigger resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.The AMBER Alert Web Portal is used to post the appropriate alert information.

(h) The Support Services Division or the communications center if after hours will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert".

(i) The information in the media release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.

(j) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Federal Bureau of Investigation (FBI Local Office).

2. National Center for Missing and Exploited Children (800) 843-5678. The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the OSP Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.

(k) The supervisor or lead investigator shall distribute to the previously described locations, followup media releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

(l) The Northern Command Center (NCC) should be contacted immediately upon locating the abducted child, in order to coordinate the cancellation of the issued AMBER Alert. In addition, those entities which were advised of the abduction should be advised that the child has been located.

319.4.3 PREPARATION

This Sheriff's Office is registered on the AMBER Alert Web Portal at www.oregonamberalert.com and will receive information on any AMBER Alerts in the area.

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Public Alerts Including Amber Alerts

The Lincoln County County Sheriff's Office will ensure all personnel are trained on AMBER Alert criteria and the process to activate an AMBER Alert.

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Victim and Witness Assistance

320.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

320.2 POLICY

The Lincoln County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Lincoln County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

320.3 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

320.3.1 VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in ORS 147.425, have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

320.4 VICTIM INFORMATION

The Administration Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VISOR information (Victim Information System in ORegon)), including the telephone number and whether this free service is available to allow victims to check on an

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offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the deputy's name, badge number, and any applicable case or incident number.

(j) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.

(k) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking, bias crimes, or human trafficking (ORS 192.826).

(l) Oregon Crime Victim Bill of Rights (ORS 147.417).

(m) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).

1. Contact information for the crime victim liaison for victims of sexual assault.
2. Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.

(n) The hate crimes telephone hotline for assisting the victims of bias crimes and bias incidents (ORS 147.380).

320.5 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A bias crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim (ORS 166.155; ORS 166.165).

321.2 CRIMINAL STATUTES

(a) Harassment (ORS 166.065).

(b) Intimidation in the Second Degree (ORS 166.155).

(c) Intimidation in the First Degree (ORS 166.165).

(d) Menacing (ORS 163.190).

(e) Any degree of Assault (ORS 163.160 to 185).

(f) Recklessly Endangering (ORS 163.195).

(g) Hazing (ORS 163.197).

(h) Unlawful use of a stun gun, tear gas or mace (ORS 163.212 and ORS 163.213).

(i) Kidnapping (ORS 163.215 to ORS 163.235).

(j) Coercion (ORS 163.275).

(k) Any sex offense (ORS 163.355 to ORS 163.427).

(l) Stalking (ORS 163.732).

(m) Any degree of Robbery (ORS 164.395 to ORS 164.415).

Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances (18 U.S.C. § 245).

321.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

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(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

321.4 INVESTIGATIONS

Whenever any member of this office receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned deputies should promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned deputies should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned deputies or supervisor may request assistance from investigators or other resources.

(f) The assigned deputies should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned deputies should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned deputies should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

321.4.1 DETECTIVE DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the Detective Division, the assigned investigator will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

321.5 TRAINING

All members of this office should receive training on hate crime recognition and investigation.

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321.6 POLICY

The Lincoln County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

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Standards of Conduct

322.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Lincoln County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

322.2 POLICY

The continued employment or appointment of every member of the Lincoln County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

322.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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322.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

322.3.3 EXCEPTIONS

During the course of fulfilling their duties, certified employees may by necessity, violate some of the conduct which may normally result in discipline, i.e., undercover operation. Exceptions to any of the rules in this chapter shall only be granted by the Sheriff.

322.3.4 UNSATISFACTORY PERFORMANCE

Sheriff's Office employees will maintain sufficient competency to perform their duties properly and to assume the responsibilities of their position. Employees will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.

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

In addition, other indications of unsatisfactory performance are: repeated improvement needed or unsatisfactory evaluations or written record of repeated infractions of rules, procedures, directives or orders of the office.

322.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

322.4.1 DUTY TO INTERVENE AND REPORT

A deputy who observes another deputy engaging in misconduct or a violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410 shall intervene to prevent or stop the conduct unless the deputy cannot intervene safely. A deputy who witnesses such conduct shall report the misconduct or violation as soon as practicable, but not later than 72 hours after witnessing the misconduct or violation to a direct supervisor, chain of command, or the Department of Public Safety Standards and Training (DPSST) (ORS 181A.681).

Failure to intervene or report the misconduct is grounds for discipline by the Office or suspension or revocation of the deputy's certification by the DPSST (ORS 181A.681; ORS 181A.683).

Misconduct means (ORS 181A.681):

(a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the office policies related to the use of force.

(b) Sexual harassment or sexual misconduct.

(c) Discrimination against a person based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age.

(d) A crime.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service.

322.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.

(b) Disobedience of any legal directive or order issued by any office member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

322.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Lincoln County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.

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(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

322.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

322.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

322.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

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(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

322.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

322.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

322.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.

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(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on office premises.
2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

(i) Any act on- or off-duty that brings discredit to this office.

322.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

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(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.

(i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(m) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

322.5.10 SAFETY

(a) Failure to observe or violating office safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

322.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

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(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Lincoln County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

323.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

323.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office computer system.

The Office reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

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323.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to a supervisor..

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

323.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

323.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

323.4.3 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to office-related activities. Internet sites containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

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Downloaded information from the internet shall be limited to messages, mail, and data files.

323.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

323.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

323.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member’s duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

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Credit Cards

324.1 PURPOSE AND SCOPE

The Lincoln County Board of Commissioners have agreed to allow the Sheriff's Office to engage in a credit card use test program. The purpose of the test is to determine if a monetary savings to the county can be realized by use of a credit card.

This policy describes the use of the credit cards.

324.2 POLICY

Credit cards have been approved for use by specific Sheriff's Office members. The use of the credit card is multi-purpose, including but not limited to:

(a) Purchase of equipment and supplies for Sheriff's Office use;

(b) Elimination of travel advance requests;

(c) Decrease the amount of out-of-pocket cash expenditures by the member; and

(d) Insure an efficient system to track receipts, expenditures, etc. Automatic teller machine (ATM) access is not available to cardholders.

324.2.1 RULES

(a) The credit card is to be used only for Sheriff's Office business; personal use of the credit card is not authorized.

(b) Credit cards will only be issued to members authorized by the Sheriff.

(c) Receipts for all credit card transactions shall be obtained by the cardholder and submitted to the Sheriffs Administrative Assistant.

(d) The only person permitted to use the Lincoln County Credit Card is the person whose name is imprinted on the face of the card.

324.2.2 PROHIBITED USES

Several items or services are prohibited from purchase by use of a county credit card. The following is a representative list and is not intended to be all-inclusive.

- Alcoholic Beverages/Tobacco
- Ammunition/Firearms
- Annual Memberships
- Capital Outlay - without prior BOC approval
- Cash Advances/Cash Refunds
- Cellular Phone & Service
- Consulting Services

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- Contracted Services
- Entertainment
- Fuel Personal vehicles
- Instructors & Guest Speakers
- Pagers
- Personal Care Services
- Personal Purchases
- Prescription Drugs
- Service Agreements

324.3 CARDHOLDER RESPONSIBILITY

(a) Division Commanders desiring a credit card will submit a written memorandum justifying the need to the Sheriff for review and approval consideration.

(b) Credit cards are to be used only for authorized expenditures for the Sheriff's Office.

(c) The member is responsible for:

1. Security of the credit card.
2. Proper use of the credit card.
3. Obtaining all credit card receipts, which must be accompanied by the member's completed expense claim form.

(d) Members will submit the report and receipts with their expense claim to the Sheriff's Administrative Assistant for processing.

1. The individual meal and daily meal allowances found in the Personnel Rules apply.
2. All per diem overages charged to the credit card shall be paid to the County Treasurer prior to submitting the credit card claim for payment.
3. The revenue receipt reflecting the deposit shall be submitted with the claim for payment.

(e) Prior to out of state travel and use of the card, the member shall submit a written request to the Sheriff for authorization.

1. The request will be forwarded to the Board of Commissioners for approval. The approval will be forwarded to the Finance Department.

(f) Whenever possible, Purchase Orders (POs) should be utilized before use of the county credit card.

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(g) Gas credit cards are issued by Fleet Services and are for official county business only. No personal use of these cards is authorized.

(h) Members are personally responsible for maintaining proper documentation.

1. If documentation is not available, the member must attach an explanation that includes a description of the item, date of purchase, merchant's name and why there is no supporting documentation.

2. The explanation must be signed by the member and the Sheriff. A pattern of missing documentation may result in disciplinary action.

(i) If an item purchased by credit card is returned, the member shall retain the credit voucher for documentation and attach it to their weekly transaction log.

324.4 DISPUTED ITEMS

(a) When an item purchased with the credit card is found to be defective or the repair or services faulty, the member shall return the item(s) to the merchant for replacement and/or to receive a credit on the purchase.

(b) If the merchant refuses to replace or correct the faulty item, then the purchase of this item will be considered to be in Dispute.

1. When this occurs, the member shall immediately notify the Finance Office of the dispute. The member shall forward a copy of all items purchased and correspondence to the Finance Office.

2. Resolving any disputed item remains the responsibility of the member.

324.5 LATE CHARGES

(a) Finance will pay the late fees should they occur.

(b) The department(s) responsible for the late fees will be charged.

324.6 MISUSE OF THE COUNTY'S CREDIT CARD

(a) Revocation of credit card privileges.

(b) Members will be subject to disciplinary action up to and including termination and legal action.

324.7 TERMINATING OR TRANSFERRING EMPLOYMENT

(a) Members who are terminated or transfer to another department shall surrender their credit card to the Administrative Assistant. The card will be cut in half and delivered to the Finance Department.

(b) In the case of termination, final paychecks will not be released until the issued credit card and any outstanding receipts are returned and the credit card has been canceled.

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Report Preparation

325.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

325.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

325.2 REQUIRED REPORTING

Reports are required in all of the following situations in the records management system or appropriate form, unless approved by a supervisor.

325.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

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(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

325.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time a deputy points a firearm at any person

(b) Any use of force against any person by a member of this office (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

325.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death).

(e) Found dead bodies or body parts.

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325.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

325.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this Sheriff's Office shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

325.2.6 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Theft.

(b) Criminal mischief.

(c) Identity theft.

(d) Animal nuisance.

(e) Harassing phone calls.

(f) Lost property.

(g) Theft from vehicle.

(h) Abandon vehicle.

(i) Dumping complain.

(j) Suspicious activity.

(k) Animal neglect, abuse, or abandonment.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

325.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without

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supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

325.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the deputy for the necessary correction(s). It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

325.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Support Services Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Support Services Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

326.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

326.1.1 POLICY

It is the policy of the Sheriff's Office to provide news items of public concern and maintain good relations with the news media. Employees will become familiar with the Oregon bar-press guidelines and procedures outlined in this policy. The rules of the Oregon bar-press guidelines apply in all statements, unless releasing information jeopardizes an investigation or is harmful to the prosecution and conviction of a suspect.

326.1.2 DEFINITIONS

Public Records - Consistent with ORS 192.410, all writings, documents, papers, letters, maps, books, tapes, CDs, photographs, films, sound recordings or other material, regardless of physical form or characteristics, prepared, owned, used or retained by the Office relating to the conduct of the public's business. The fact that a particular item is designated a "public record" does not mean that it is open to public inspection, but rather that it belongs to a public agency.

Criminal Investigative Information - Information relating to an identifiable person(s) or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance. Such information is considered "active" as long as it is related to an ongoing investigation, which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

Criminal Intelligence Information - Information concerning identifiable person(s) or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. Such information is considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

326.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Supervisors and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

326.3 MEDIA ACCESS

(a) Only the Sheriff or District Attorney or their designee will make statements to the news media regarding an active major criminal investigation.

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(b) Support services personnel are the only members authorized to release reports and report information in accordance with law and department policies.

(c) In major crime incidents, media access will be restricted until the deputy or supervisor in charge gives information.

1. The media normally does not have the right to enter private property without consent of the property owner.
2. A deputy may escort or authorize media personnel onto public property.
3. Restricting access may be necessary if the reporter's presence would unreasonably obstruct or interfere with the investigation of a crime scene or hamper the execution of police duties.
    (a) Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations.
4. Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:
    (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
    (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
5. Media representatives may be prevented from interfering with emergency operations and criminal investigations
    (a) Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the supervisor. The TFR, request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

(d) When a major interest event such as a fire, accident, explosion or bomb threat, possible crime, or any other event requiring Sheriff's Office response occurs, a deputy may be designated to assist and direct media personnel to a safe location, in order to insure public safety, to secure the scene for investigation, or to protect property or clean up of that property.

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(e) When a major event creates substantial interest and there is a special need for factual, accurate, and immediate news from one source, a designated department spokesperson may be called to the scene.

(f) The Sheriff will not, in most cases, be the only source of information in the Office. The Sheriff should, however, be kept informed of contacts with the news media to maintain continuity of reporting.

(g) As a rule, media works on deadlines. Designated, employees will assist the news media in reaching deadlines. However, the objective of the department/media relationship will be the releasing of factual, timely information based upon the Oregon bar-press guidelines and this policy.

(h) At times, inquiries from the news media may request information that is not immediately available to a deputy or requires further input. In these situations, advise the media representative that appropriate information will be furnished as soon as possible.

(i) ORS 181.852, prohibits, except under certain circumstances, the disclosure of any information by a law enforcement agency regarding any employee involved in undercover investigative duties while conducting such duties or for a period of six months following assignment.

(j) ORS 181.854 prohibits the disclosure of a photograph of a public safety employee without written consent, as well as information about the employee that is either exempt or prohibited from disclosure.

(k) No member of this office who is under investigation should be subjected to media visits or interviews without hte consent of the invovled employee.

(l) A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor. Members shall not jeopardize a tactical operation in order to accommodate the news media.

(m) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody.

326.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

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326.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137). All requests for TFR should be routed through the Supervisor.

326.4 INFORMATION SUBJECT TO RELEASE

The communications center will maintain a daily information log of significant law enforcement activities that is available to media representatives. All other releases of information by this Sheriff's Office will be in accordance with the following procedures.

326.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE

(a) Each member of the agency will maintain a cooperative and harmonious professional relationship with representatives of the news media.

(b) At the scene of any event of public interest, representatives of the news media will be permitted to conduct interviews, take photographs, and otherwise perform their assigned tasks provided their activity is not in violation of the guidelines established in the policy, and provided such activity does not violate any law or interfere with law enforcement operations.

(c) News releases concerning incidents involving agency policy, the official interpretation of agency policy or investigations of an internal nature will be made by the Sheriff or designee.

326.4.2 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

326.4.3 NEWS RELEASES

(a) Public information shall be released as promptly as circumstances allow in an impartial, courteous and objective manner.

1. The supervisor or deputy in charge shall prepare and forward newsworthy events to the media with a copy to the Sheriff.

    (a) The Sheriff or his/her designee will release Media releases on major investigations and events.

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2. The Sheriff will review the material and may instruct the supervisor or deputy in charge to make further contact with the media.
3. News releases shall be released on a daily basis, as they occur if during normal office hours or during a major incident day or night.

(b) News releases concerning new policies or programs will be coordinated through the Sheriff or a designee.

(c) The deputy in charge of an investigation or incident, or the ranking deputy on the scene will release all other information.

(d) When representatives of the news media desire interviews beyond the news release with agency personnel other than those listed in Sections 1 and 2 of these procedures concerning the investigation or incident, such interviews may be conducted only with the approval of the appropriate Division Commander.

(a) Exceptions;

(a) When an official representative of the Lincoln County Deputy Association (LCDA) speaks on behalf of the LCDA;

(b) When a member of the Lincoln County Sheriff's Office speaks on their behalf regarding a personnel issue involving that member or discipline imposed upon that member.

(e) In instances where more than one agency is involved, the agency having primary jurisdiction will be responsible for releasing, or coordinating the release of information.

326.4.4 NEWS RELEASE GUIDELINES/OREGON BAR-PRESS GUIDELINES

(a) Oregon's Bill of Rights provides both for fair trials and for freedom of the press. These rights are basic and unqualified. They are not ends in themselves, but are necessary guarantors of freedom for the individual and the public's right to be informed. At times these two rights appear to be in conflict with each other. In an effort to mitigate this conflict, the Oregon State Bar, the Oregon Newspaper Publishers Association and the Oregon Association of Broadcasters have adopted the following statement of principles to keep the public fully informed without violating the right of any individual:

1. The news media have the right and responsibility to print and broadcast the truth.
2. However, the demands of accuracy and objectivity in news reporting should be balanced with the demands of fair play. The public has a right to be informed. The accused has the right to be judged in an atmosphere free from undue prejudice.
3. Good taste should prevail in the selection, printing and broadcasting of the news. Morbid or sensational details or criminal behavior should not be exploited.

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4. The right decision about the news rests with the editor or news director. In the exercise of judgment he/she should consider that:
    (a) An accused person is presumed innocent until proven guilty;
    (b) Readers and listeners are potential jurors; and
    (c) No person's reputation should be injured needlessly.
5. The above guidelines are supplemental to and should be interpreted with the "Oregon Bar-Press Broadcasters Joint Statement of Principles" adopted in 1962.
6. The guidelines are cautionary, not mandatory. They do not prohibit release of, or publication of, information needed to identify or aid in the capture of a suspect or information in the vital interest of the public interest after arrest. Neither do they prescribe publication of information, which is already in the public domain.
7. At times, members of the news media will request access to department records. Requests should be submitted to the Records Division. The department considers all requests based on ORS 192.410 dealing with public records exempt from disclosure, and other related statutes.

(b) Guidelines for disclosure and reporting of information on criminal proceedings.
    (a) It is generally appropriate to disclose or report the following:
        (a) The arrested person's name, age, residence, employment, marital status and relevant biographical information.
        (b) The charge.
        (c) The amount of bail and/or release conditions.
        (d) The identity of and biographical information concerning both complaining party and victim. Specific information about sexual assault or hate crime victims should be disclosed only when the public's right to know clearly outweighs the victim's or the complaining party's right to privacy or safety.
        (e) The identity of the investigating and arresting agency and the length of the investigation.
        (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used.
        (g) Intoxilyzer results.
    (b) It is rarely appropriate to disclose for publication or to report prior to the trial the following:
        (a) The contents of any admission or confession, or the fact that an admission or confession has been made.

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(b) Opinions about an arrested person's character, guilt or innocence.

(c) Opinions concerning evidence or argument in the case.

(d) Statements concerning anticipated testimony or the truthfulness of prospective witnesses.

(e) The results of fingerprints, polygraph or mental health examinations, ballistic tests or laboratory tests.

(f) Precise descriptions of items seized or discovered during investigation.

(g) Prior criminal charges and convictions.

(h) Evidentiary details that were excluded in prior judicial proceedings in the same case.

326.4.5 JUVENILE OFFENDER INFORMATION

Information pertaining to juvenile offender, victim or witness shall only be released as articulated in Policy Manual §810.43.

326.4.6 MEDIA ACCESS TO POLICE CONTROLED SCENES

(a) In the event of a major crime, incident, or disaster, police lines are established for crowd control to permit investigation and to preserve evidence. Keeping in mind the purpose of a secure crime scene and dependent upon the tactical situation, the ranking crime scene deputy should try to make an affirmative effort to provide news photographers timely access to the crime scene.

1. This access is to be considered with sensitivity to both the need to preserve and protect the crime scene and to the public's interest in observing the investigation. The news photographers will be escorted into specific areas by investigators.

(b) While news media representatives may be permitted in the area of a crime scene, they do not have the authority to be:

1. Within a crime scene or area that has been secured to preserve evidence;

2. At any location where their presence jeopardizes law enforcement operations, or;

3. On private property (e.g., apartment, single-family house) without the consent of the owner or lessee.

(c) Duly authorized representatives of any news media may enter any area closed because of the possibility of its being a menace to the public health or safety after producing valid press credentials.

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1. When feasible, Deputies should warn news media personnel desiring to enter or who have entered such areas, of the potential hazard(s) and their assumed liability risk.
2. The decision to assume the risk of possible danger remains with the individual newsperson involved. It is not the responsibility of this agency to provide for the safety of any news media personnel who voluntarily choose to subject themselves to danger.

326.4.7 PHOTOGRAPHY

(a) Photographs of a suspect may be released by law enforcement personnel provided a valid law enforcement function is served. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of prior arrests and convictions.

(b) Law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. However, they should not pose the defendant.

(c) In compliance with Rule 10 above, the "Notification of Request for Restricted Public Safety Employee Photograph/Information" form will be completed by the local worksite supervisor and signed by the affected employee indicating whether the employee either consents or declines the release of the requested photograph and/or information.

326.4.8 NEWS MEDIA CREDENTIALS

(a) In order to expedite the identification of bona fide representatives of the news media, and in order to assist members of the news media in the performance of their duties, the Lincoln County Sheriff's Office may issue press credentials to members of the media.

1. Representatives of the media possessing other bona fide credentials will also be recognized.

(b) Media representatives should perform their assigned tasks and not violate the guidelines established in the policy. All violations observed should be forwarded to the Sheriff. If the criteria governing conduct has been violated, a written statement will be sent to the individual's employer. The specific violation will be noted and the individual's press credentials may be revoked or not honored.

(c) Supervisors shall be responsible for identifying problems that may occur between our agency and the press. If these problems are the result of a policy failure, the supervisor shall solicit ideas and suggestions from the press and submit a written evaluation of the problem(s) and input from the press to the Sheriff.

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(d) Members of the media are encouraged to participate in the present and future development of this policy by reviewing the policy and attending the Sheriff's semi-annual meeting with them. It is important to build a good rapport between the media and the Lincoln County Sheriff's Office. The Sheriff will meet with representatives of the media periodically to address these issues.

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Subpoenas and Court Appearances

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for members who must appear in court. It will allow the Lincoln County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

327.2 POLICY

Lincoln County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

327.3 SUBPOENAS

Only members authorized to receive a subpoena on behalf of this office or any of its members may do so.

A subpoena may be served upon a member by one of the following (ORS 136.595; ORCP 55):

(a) Personal service.

(b) Accepted by an authorized member on behalf of a currently employed deputy who is within the state at the time of service and is delivered at least 10 days prior to the hearing date specified on the subpoena.

1. Attendance at trial is related to the deputy’s work performed in the course of employment as a peace officer.

2. The support services member shall make a good faith effort to notify the subpoenaed deputy of the date, time and location of the court appearance. If the deputy cannot be notified, the support services member will promptly notify the court of the inability to contact the deputy.

(c) By mail (civil subpoena only), if the service conditions of ORCP 55(D)(3) are met.

A civil subpoena being served upon a member as an expert witness may be personally served upon the member or member’s immediate supervisor (ORS 44.552).

Subpoenas shall not be accepted unless accompanied by the appropriate witness fees as allowed by law (ORS 44.415; ORS 44.554; ORCP 55 (D)(1)).

327.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Lincoln County Sheriff's Office.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Lincoln County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

327.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

327.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

327.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

327.5 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in uniform (including long sleeve shirt or Ike jakcet and tie) or business attire for all court appearances, excluding grand jury, traffic trials, and DMV hearings. Suitable business attire for men would consist of a jacket, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks. Employees have the option of whether the short sleeve shirt and uniform slacks for grand jury, traffic/violation trials, and DMV hearings.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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327.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall review relevant reports and become familiar with the content in order to be prepared for court.

327.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Reserve Deputies

328.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn deputy deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

328.2 SELECTION AND APPOINTMENT OF RESERVE DEPUTIES

The Lincoln County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by the Sheriff's Office. The minimum criteria for selection and appointment of reserve deputies shall be the same as is required of regular full-time deputies.

328.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular deputy deputies before appointment.

Upon appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a basic reserve academy within 18 months of the date of appointment.

328.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

328.2.3 COMPENSATION FOR RESERVE DEPUTIES

Participation is voluntary and there is no compensation.

All reserve deputy appointees are issued uniform patches, badge, identification and specified safety equipment. All property issued to the reserve deputy shall be returned to the Sheriff's Office upon termination or resignation.

328.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Sheriff's Office must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a Corrections deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel Department prior to an employee serving in a reserve or volunteer capacity (29 CFR553.30).

328.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Reserve deputies may be assigned to other areas within the Sheriff's Office as needed. Reserve deputies are required to work a minimum of 20 hours per month.

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328.3.1 POLICY COMPLIANCE
Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

328.3.2 RESERVE DEPUTY ASSIGNMENTS
All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

328.3.3 RESERVE COORDINATOR
The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to the following:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve deputy performance.

(f) Monitoring overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

328.4 FIELD TRAINING
The field training program shall consist of the completion of three training phases to be completed under the supervision of a Primary Training Officer, with the assistance of other training officers, as assigned by the office. During the field training period the reserve deputy must complete the standard DPSST Field Training Manual as described in the Field Training Manual section of this policy.

328.4.1 FIELD TRAINING MANUAL
Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Lincoln County Sheriff's Office. Each section of the manual must be signed-off by both the deputy observing the performance. The completed manual will be submitted to the department Training Sergeant and it shall become part of the reserve deputy's training file. The reserve deputy shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.

328.5 SUPERVISION OF RESERVE DEPUTIES

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328.5.1 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

328.5.2 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Sheriff's Office identification card. The uniform badge shall be the same as that worn by a regular full-time Lincoln County deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

328.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this Sheriff's Office.

328.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve deputies are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

328.5.5 RESERVE DEPUTY EVALUATIONS

While in training reserve deputies will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve deputy.

328.6 FIREARMS REQUIREMENTS

Reserve deputy have peace officer powers during his/her assigned tour of duty.

328.6.1 CARRYING WEAPON ON DUTY

Level II and above Reserve Deputies are allowed to carry a loaded firearm while on duty. It is the policy of the Sheriff's Office to allow Reserves to carry firearms only while on duty, or to-and-from duty if they are in uniform.

328.6.2 IN-SERVICE TRAINING

Reserve deputies are encouraged to attend all in-service training offered to regular deputies. Reserve deputies are required to attend classes designated as mandatory either at one of the regular in-service sessions or one scheduled specifically for reserves.

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328.6.3 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid Concealed Handgun License. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Sheriff's Office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a Sheriff's Office armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

328.6.4 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual.

328.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

328.8 RESERVE LEVELS

Reserve Deputies become eligible to perform at different levels in the organization based on their training and experience. More detailed information regarding the individual levels, training requirements and duties are contained in the Reserve Program Manual. All Reserve Deputies begin at Level IV.

(a) **Level IV, Entry level Reserve Deputy -** Level IV Reserves are newly appointed and are beginning their training. They are not permitted to carry weapons. Level IV Reserves may ride with regular deputies on patrol wearing civilian clothes. They perform no law enforcement functions.

(b) **Level III Reserve Deputy** - Level III Reserves have successfully completed the Entry Level Reserve Academy curriculum. Level III will accompany regular deputies on patrol in uniform. They are not permitted to carry weapons. They may perform limited law enforcement functions under the direct supervision of a Training Deputy.

(c) **Level II Reserve Deputy** - Level II Reserves have successfully completed the Basic and Intermediate Reserve Academy curriculum. Level II Reserves are authorized to carry firearms and related equipment on-duty and will perform law enforcement functions under the direct supervision of a Training Deputy.

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(d) **Level I Reserve Deputy** - Level I Reserves have successfully completed the Reserve Academy for a total of 332 hours of instruction. Level 1 Reserves have also completed the Reserve Deputy Training Manual. Level 1 Reserves may operate patrol vehicles accompanied by a Regular Deputy. Level 1 Reserves are eligible for "special status" assignments based on performance and the approval of the Sheriff.

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Search and Rescue

329.1 PURPOSE AND SCOPE

The following Search and Rescue (SAR) & Recovery Plan was prepared and adopted in accordance with Oregon Revised Statutes (ORS) Chapter 401.573. The purpose of this plan is to establish policies for the Lincoln County Sheriff's Office Search and Rescue Division and describe procedures for implementing those policies.

329.1.1 POLICY

It is the policy of this office to provide a measured response of trained personnel and available resources in an effort to prevent, minimize, respond to or recover from an emergency.

The following Search and Rescue (SAR) & Recovery Plan was prepared and adopted in accordance with Oregon Revised Statutes (ORS) Chapter 401.573. The purpose of this plan is to establish policies for the Lincoln County Sheriff's Office Search and Rescue Division and describe procedures for implementing those policies.

329.1.2 DEFINITIONS

Search and Rescue (SAR) - "Search and rescue" is defined as the acts of searching for, rescuing or recovering, by means of ground or marine activity, any person who is lost, injured or killed while out of doors.(ORS 401.025).

Search - Suggests a person is overdue or missing from their intended location.

Rescue - Signifies a situation where a known person, in a known location is in specific danger and where the assistance of others is necessary to prevent injury or death.

Emergency - Includes any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss; and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous materials as defined in ORS 466.605, contamination, disturbance, riot, sabotage and war.

Emergency Service Agency - Any organization within a local government, which performs essential services for the public's benefit prior to, during, or following an emergency. This includes, but is not limited to, organizational units within local governments, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering. (ORS 401.025)

Assistance - Any support provided by search and rescue personnel to an emergency service agency, which may include manning roadblocks, evacuating people from an endangered area, supporting emergency communications, securing an accident or crime scene or conducting an evidence search.

Community Service - Any support or service provided by search and rescue personnel during community events such as parades, races, and benefits. This support may include traffic control, communication or other services as approved by the search and rescue coordinator.

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Emergency Service Worker - An individual whom under the direction of an emergency service agency or emergency management agency performs emergency services. The emergency service worker is a registered volunteer with the county who volunteers to serve without compensation.

Approved Training - Any training directly related to search and rescue and accepted as such by the Sheriff's Office SAR coordinator. A training outline including a training objective will be submitted to the SAR coordinator and approved prior to the training being conducted.

Supervisor - A sworn law enforcement Deputy or officer who is of the rank of sergeant or above, or is the designated Deputy or officer in charge.

Search and Rescue in Wilderness- Memorandum of understanding between the Oregon State Sheriff's Association and USDA Forest Service.

329.1.3 FUNCTION

(a) It shall be the function of Search and Rescue (SAR) , both regular employees and volunteers assigned to various units, to participate in emergency situations assigned by the Sheriff, including, but not limited to:

1. Disaster Situations (airplane crashes, floods, fires, earthquakes, etc.)
2. Missing or lost persons (land and water)
3. Drowning victims (body recovery)
4. State of Emergency (State and/or Federal)

329.1.4 RULES

(a) During a SAR mission, the SAR coordinator's duties may pass from one coordinator to another during the course of the search and rescue mission. However, a SAR coordinator must remain assigned to the mission. During a search the SAR coordinator should not be assigned other cases. The maximum on-duty time for a SAR coordinator should not exceed 12 hours. The SAR coordinator may return to service after being away from the incident scene for a minimum of 6 hours.

(b) During a search the maximum consecutive on-duty time for all volunteer personnel, including the SAR Coordinators should not exceed 12 hours. The incident commander should assign relief prior to reaching this limit. A volunteer may return to service after being away from the incident scene for a minimum of 6 hours.

(c) A person not recognized by the Sheriff's Office, as a volunteer will not participate in SAR activities. Only SAR certified personnel are allowed to search on the ground during an incident. Non-certified volunteer personnel will assist the ICS staff as assigned. In the event of a "unique mission" the Sheriff may authorize the participation of non-certified volunteer personnel on the ground (see procedures, section 4). The

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Sheriff's Office does not assume liability for the welfare of an individual who elects to search on their own.

(d) The Search and Rescue Team requires that all volunteer personnel be properly trained. The members of the Ground Search Unit must be SAR certified. The members of Mounted Posse and Reserves must meet the annual training requirements of their respective units and are encouraged to become SAR certified. The Unit Commanders for each unit shall be responsible for training sessions required for their respective units.

(e) Any search and rescue volunteer must maintain a telephone, pager or cellular phone so that they can be contacted in the event of an emergency.

329.1.5 RESOURCES

(a) Volunteer Organizations:

1. Lincoln County Amateur Radio Services
2. Lincoln County Sheriff's Mounted Posse (Posse)
3. Lincoln County Sheriff's Office Reserves
4. Neighboring Counties
    (a) The Sheriff's Office has verbal agreements with neighboring counties. If assistance from another jurisdiction is required, the SAR coordinator will make a request directly to the jurisdictions' agency administration.

329.2 SEARCH AND RESCUE CALL-OUT

(a) The Sheriff Office's response to search and rescue situations must not be delayed unnecessarily. Delays may be necessary because of inadequate information or insufficient time lapse between the expected return time and the time the report was taken. A delayed response may also occur when it is necessary to protect the safety of search and rescue personnel or safeguard county resources.

(b) When a known, life-threatening situation exists and a rescue must be affected, the Sheriff's Office requires prompt utilization of any available resource to affect the rescue. Such assistance may be from a qualified fire department rescue unit, helicopter evacuation, medical team, or other qualified personnel.

(c) When medical problems exist, prompt action by a qualified medical unit is required.

329.2.1 CALL-OUT PROCEDURE

(a) Upon receipt of information indicating that a search or rescue may be required a patrol deputy will investigate by making direct contact with the complainant, witnesses, and others to obtain preliminary information pertaining to the case. A MISSING PERSON QUESTIONNAIRE ICS-302 will be completed and the deputy will contact

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their supervisor who will contact the SAR coordinator. The SAR coordinator will be given the MISSING PERSON QUESTIONNAIRE ICS-302 upon arrival at the scene or as soon as possible thereafter.

(b) The search and rescue coordinator will determine the search urgency. The determination is based on the subject's condition, level of preparation and knowledge, weather conditions and potential hazard of the area where the subject is lost.

(c) Once the SAR coordinator determines that search and rescue is needed, he/she contacts the communications center to page search and rescue volunteers to respond. The SAR coordinator will then determine what personnel and equipment are required to conduct the operation.

(d) A SAR Coordinator will contact the leader of each unit that will participate in the initial search effort. Instructions to provide a designated number of people with specific equipment will be given.

(e) New information about a subject or changes in the weather may require the search urgency to be upgraded. When this occurs, SAR Coordinators may request additional volunteer personnel and resources.

(f) Search and rescue personnel will assist in a search incident only after specifically being "activated" by a SAR Coordinator, or Lincoln County Sheriffs Office command personnel.

(g) Using the guidelines established in Section V. Procedures, 2. Call-Out. Once activated, team members will report to the location designated by on scene command for briefing. Team leaders will ensure that all members responding to assist other jurisdictions have the equipment they will need to assist that agency.

(h) A complete report outlining personnel involved, resources utilized and team activities will be completed by the SAR Coordinator assigned to the mission. Lincoln County SAR resources will not be depleted and/or compromised to provide assistance to other jurisdictions.

329.3 INCIDENT COMMAND SYSTEM (ICS)

(a) During a search and rescue mission this office will utilize the ICS system of management.

1. **Incident Commander** - manages the system, has overall responsibility for operations.
2. **Planning Section** - responsible for impending situations, responsible for collection, evaluation, and dissemination of tactical information about the incident.

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3. **Operations Section** - responsible for what is currently occurring, operations include all activities that are directed toward the reduction of the immediate hazard, establishing situation control, restoration of normal procedures and works closely with Incident Commander and Planning Coordinator.
4. **Logistics Section** - responsible for providing all support during an incident including caring for and feeding of all personnel resources, but is not responsible for providing air support.
5. **Finance Section** - responsible for all financial matters related to the incident.

329.4 UNIQUE MISSION PROCEDURE

Unique missions are the only incidents wherein all participants are not required to be SAR/Oregon State Sheriff's Association (OSSA) certified. Some of these incidents require the expertise of volunteers who are not SAR/OSSA certified; however the incident commander will if necessary, provide these volunteers with an assistant who is certified.

329.4.1 MISSING AIRCRAFT

The responsibility to locate all missing aircraft rests with the U.S. Air Force. In Oregon the OEM has original jurisdiction over missing civilian aircraft. When a civilian aircraft is determined to be down in Lincoln County, it then becomes the responsibility of this office to locate the aircraft. The Search and Rescue Division would then respond in a manner consistent with any other search.

329.4.2 RESPONSE TO ELT SIGNALS

Emergency locating transmitters (ELT) are portable signal beacons carried on many aircraft. The OEM will contact this office when a signal is detected within Lincoln County. Trained personnel will then be contacted to locate the source of the signal.

329.4.3 EVIDENCE SEARCH

Evidence searches are conducted at the request of a police agency. They involve assisting law enforcement in the search or collection of evidence related to an investigation. The Search and Rescue Team may be requested to provide personnel to assist. Evidence will not be handled by volunteer personnel unless specifically directed by an Evidence Technician/Deputy to do so.

329.5 RESPONSIBILITIES AND DUTIES

329.5.1 SHERIFF'S OFFICE EMPLOYEES

The Sheriff has elected to accept responsibility for Search and Rescue within Lincoln County. The Sheriff has designated a SAR coordinator and Assistant SAR coordinator, to assist in the implementation of the Search and Rescue Program.

329.5.2 SHERIFF

(a) Overseeing, directly or indirectly, the search and rescue of lost individuals within Lincoln County;

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(b) Adopting search and rescue policies, procedures and plan for the county;

(c) Providing department approval of search and rescue memorandums of understanding, letters of agreement, service contracts, wilderness area agreements, and mutual aid agreements;

(d) Making final disciplinary decisions pertaining to search and rescue volunteer personnel;

(e) Appointing volunteer personnel to assist in the search and rescue of lost individuals;

(f) Making statements to the media regarding a search and rescue incident; (or their designee will make statements to the media when specifically authorized to do so by the Sheriff. SEE POLICY/ NEWS MEDIA RELEATIONS 346)

(g) Authorizing expenditures of money, use of county property during a search and rescue incident.

(h) Convening, as necessary, the patrol Lieutenant, Sergeant, and SAR Coordinators to decide to terminate or suspend a search and rescue mission.

329.5.3 INVESTIGATING DEPUTY (FIRST DEPUTY ON SCENE)

(a) Making direct contact with complainant, witnesses, and others to obtain preliminary information pertaining to a case. A MISSING PERSON QUESTIONNAIRE ICS-302 information sheet will be completed and given to the SAR Coordinator upon arrival at the scene or as soon as possible thereafter;

(b) Responding to the mission site to provide initial search effort and continuing investigation until arrival of search and rescue personnel;

(c) Restricting access to mission site to protect integrity of search area (ORS.401.570);

(d) Making public relations contacts with family and friends of lost person;

(e) Completing all required reports pertaining to initial investigation;

329.5.4 PATROL SERGEANT

(a) Assuming role of Incident Commander or appointing another qualified individual to act as the same, if SAR Coordinators are not available.

(b) Ensuring that ICS staff are performing their duties in a competent, diligent, and safe manner; and are operating within context of the Incident Command System;

(c) Ensuring the SAR mission is operating according to approved county policies and procedures;

(d) Completing all required reports pertaining to the SAR Mission if in the Incident Command role;

(e) Recommending disciplinary action for search and rescue volunteer personnel;

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(f) Ensuring that Critical Incident Stress debriefings are available for all personnel, to be administered by a qualified professional.

329.5.5 SAR COORDINATOR(S)

(a) Annually reviewing the Search and Rescue Plan;

(b) Developing and implementing search and rescue program policies, procedures and standards;

(c) Assisting in the preparation of search and rescue memorandums of understanding, letters of agreement, service contracts, wilderness area agreements, and mutual aid agreements;

(d) Reviewing and approving all required reports pertaining to Search and Rescue Missions and forwarding copies to appropriate agencies;

(e) Recommending disciplinary action for search and rescue volunteer personnel;

(f) Ensuring that appropriate briefings and debriefings occur for each incident;

(g) Ensuring that Critical Incident Stress debriefings are available for all SAR personnel, to be administered by a qualified professional;

(h) Assuming assigned role and appointing mission command staff and assigning their responsibilities;

(i) Overseeing the assignment of volunteer personnel, including ensuring that each person has been trained and is capable of performing the assigned job;

(j) Calling OEM and obtaining an incident number;

(k) Completing a fact sheet for each search and rescue incident which contains the incident number assigned by OEM as required by ORS 401.580;

(l) Completing all other required reports pertaining to the search incident;

(m) Implementing search and rescue procedures that are within county policy, and protect safety of emergency service workers;

(n) Determining location and layout of base camp;

(o) Wearing appropriate identification at all times during an incident;

(p) Attending, as necessary, any council including the Sheriff, Lincoln County Legal Counsel, Lieutenant, and Sergeant, to decide to terminate or suspend a search and rescue mission.

(q) Authorizing any approved expenditure of money and/or use of county property during an incident.

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329.5.6 ALL VOLUNTEER PERSONNEL

(a) Maintaining current, active membership with a unit recognized by the office as being part of the Search and Rescue Division;

(b) Meeting the minimum training standards as defined in section VIII of this plan;

(c) Being familiar with this Search and Rescue Plan and ORS Section 401;

(d) Protecting the integrity of the search and rescue program and this office;

(e) Working to the best of their individual abilities;

(f) Immediately refusing to perform an assignment for which one is not trained, is not capable, or does not feel comfortable performing.

(g) At all times following the instructions of the activity, mission or incident staffs.

(h) Wearing appropriate identification at all times during an incident

(i) Making family and job a higher priority than search and rescue.

329.6 TRAINING

329.6.1 SAR CERTIFICATION

(a) Attend and pass a training course presented by the Search and Rescue Division known as the Search and Rescue Academy. This course meets the search and rescue criteria for certification set forth by the Oregon State Sheriff's Association (OSSA). To pass the Search and Rescue Academy an individual must successfully complete a series of performance skill objective tests administered during the course of the Academy. An individual must also obtain a minimum score of 80% on a written test administered at the conclusion of the Academy. The training includes:

1. Radio Communications (2 hours)
2. Map and Compass (12 hours)
3. Search Techniques and Strategy (6 hours)
4. Crime Scene Security (3 hours)
5. Outdoor Survival (8 hours)
6. Incident Command System (2 hours)
7. Tracking (6 hours)
8. Aircraft Safety & Victim Rescue (7 hours)
9. Search Dog Orientation (1 hour)
10. Hypothermia, Hypothermia recognition (2 hours)
11. Blood Born Pathogen Awareness (2 hours)

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12. Policy (ORS 401, Lincoln County SAR Plan) and Safety Review (2 hours)
13. Horse Awareness (2 hours)

(b) Pass a basic first aid and CPR certification course and maintain certification.

(c) Complete at least 60 hours of "approved training." The SAR Academy may be included as part of the 60 hours.

329.6.2 SAR RE-CERTIFICATION

(a) Submit training records (for the past calendar year) to the SAR coordinator as required.

(b) Complete the re-certification core curriculum consisting of:

1. Map and Compass (4 hours)
2. Survival Skills (2 hours)
3. Maintain First Aid and CPR certification Complete re-certification if necessary
4. Policy and Safety Review (1 hour)

(c) Complete 16 hours of additional "approved training" in specialty areas, such as tracking, survival, ICS, first aid, trail rides, etc.

1. All SAR Certified personnel will participate in at least one (1) group training session each year. The training will be "approved training" as noted above.

329.7 APPLICATION PROCEDURE FOR SEARCH AND RESCUE VOLUNTEER PERSONNEL.

(a) Any person interested in becoming a search and rescue volunteer in Lincoln County may apply. All applicants must follow the procedures outlined in the Lincoln County Sheriffs Office SAR policy.

(b) New members with search and rescue experience may submit detailed documentation of their previous training/certification for review by the SAR coordinator. The SAR team will decide if the new member has met the requirements for SAR certification as specified in the training section, of this document. If all requirements for SAR certification have been met, and after attending Policy (ORS 401, Lincoln County SAR Plan) and Safety Review training, "SAR Certified" status may be granted.

329.8 INSURANCE AND LIABILITY PROVISIONS FOR VOLUNTEER PERSONNEL

329.8.1 MEDICAL INSURANCE

(a) An emergency service worker may apply for and may receive benefits as provided in ORS 401.355 to 401.465 for injury sustained in emergency service performed within the state:

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1. Where the injury is proximately caused by or in the course of emergency service, with or without negligence of the emergency service worker.
2. Where the injury is not caused by the voluntary intoxication of the emergency service worker.
3. Where the injury is not intentionally self-inflicted.
4. If a volunteer sustains an injury, benefits are paid by the county in accordance with the workers' compensation laws of the state (ORS 401.395), except that:
    (a) If the injury results in temporary partial disability, no benefits accrue to the injured volunteer on account of lost wages due to such disability;
    (b) Costs of rehabilitation services to disabled volunteer personnel are paid from funds specifically appropriated for this purpose by the State Office of Emergency Management;
    (c) The amount of compensation for rehabilitation services must be approved by the State Emergency Manager, Emergency Management Division. It should compensate the volunteer for all reasonable and necessary costs, including the expense to acquire services provided by a qualified physician or facility. Reimbursed rehabilitation costs may also include travel, room and board, when necessary;
    (d) The maximum amount payable for medical, surgical, hospital expenses, compensation and rehabilitation for any one claim shall not exceed $20,000.
5. Any volunteer who fails to register on the roster for the event associated with an injury is ineligible for insurance benefits.

329.8.2 VOLUNTEER LIABILITY

(a) During the existence of an emergency, a volunteer in any emergency services activity, while complying with ORS 401 or any rule promulgated under those sections, shall not, except in cases of willful misconduct, gross negligence or bad faith, be liable for the death or injury of any person, or damage or loss of property, as a result of that activity.

(b) Volunteer personnel in carrying out, complying with or attempting to comply with any order or rule issued under ORS 401 or any local ordinance, have the same degree of responsibility for their action and enjoy the same immunities as officers and employees of the state and its local governments performing similar work.

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Outside Agency Assistance

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

330.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

330.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to a Supervisor for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

330.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Lincoln County Sheriff's Office shall notify his/her supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

330.3.2 STATE RESTRICTIONS ON ASSISTANCE

Members are prohibited from assisting or cooperating with or allowing any Lincoln County Sheriff's Office resources to be used to assist or cooperate with any investigation, apprehension, or arrest executed in whole or in part by a federal law enforcement agency or law enforcement agency of another state if the member is aware that the operation is intended to identify or impose civil or criminal liability upon any individual or entity (2026 Oregon Laws, Ch. 66 § 8; 2026 Oregon Laws, Ch. 66 § 9):

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(a) For the lawful exercise of constitutional rights related to speech, expression, association, or assembly.

(b) On the basis of an individual's membership in a protected class.

(c) As part of an unlawful search or seizure or other unconstitutional surveillance activity.

330.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

330.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report should be documented as directed by the Supervisor.

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Tsunami Preparedness

331.1 PURPOSE AND SCOPE

This policy outlines the response from deputies of the Lincoln County Sheriff's Office in the event of a tsunami. Our members are to be prepared for such an emergency, which includes making preparations for family members in the event of a tsunami. It is imperative that our family members be instructed and prepared to take appropriate action to safeguard themselves from the effects of a tsunami.

331.1.1 POLICY

It is the policy and the responsibility of the Lincoln County Sheriff's Office to provide emergency response to citizens in the event of a natural disaster. This includes storms, flooding, earthquakes and tsunamis.

Our responsibility and obligation to be prepared and available to immediately respond to such an event cannot be overemphasized. A consensus of emergency management professionals has determined an elevation of 65 feet is a safe elevation from a coastal tsunami. Deputies are expected to be knowledgeable of the locations of Tsunami Hazard Zones in the county. Deputies are encouraged to learn the correlation of general elevation heights of 65 feet in relation to low-lying areas. The courthouse elevation is 131 feet at its base.

331.1.2 DEFINITIONS

Tsunami Wave - A series of waves generated by offshore seismic activity. Note, the first wave may not be the largest, and danger may be present for several hours. In addition, a wave that is small in one location may be large and destructive in another location.

Tsunami Watch Bulletin - This bulletin is issued when an earthquake of sufficient magnitude has occurred off the coast of Hawaii or the Aleutian Islands, and the possibility of a seismic wave being generated exists.

Tsunami Warning Bulletin - This bulletin is issued when a seismic wave has been observed or detected. Information in the bulletin will include, whenever possible: general wave height, estimated time of arrival (ETA), preliminary location of the earthquake and magnitude. There is no other bulletin announcing the arrival of a tsunami after this warning is issued. This warning should be interpreted as "Proceed to High Ground Immediately".

Tsunami Cancellation Bulletin - This bulletin is issued to cancel a warning when reports indicate that a negligible wave, or no tsunami, has been generated.

All Clear - If damaging waves occurred, an all clear posture may be assumed when no further damaging wave action has occurred for two hours. If no wave action, or only "significant" waves occur, an all-clear status shall be assumed two hours after the anticipated ETA unless additional ETAs are announced.

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Cascadia Subduction Zone - This area is located just off the coasts of Washington, Oregon and northern California.

331.2 PROCEDURE

331.2.1 EARTHQUAKE

In the event of an earthquake, personnel located in buildings are to:

(a) Duck, cover and hold.

1. Seek the protection under a desk, table or other area where you can protect yourself from falling debris.
2. Do not stand in a doorway.
3. Do not run out of a building during shaking as you place yourself at risk of being struck by falling debris and building materials.

331.2.2 TSUNAMI WATCH

When a Tsunami Watch bulletin is issued the following is to occur;

(a) The communications center will notify the Patrol Commander, the Emergency Manager and the shift supervisor of the Watch Bulletin.

1. A supervisor will decide if further notification of off-duty personnel is necessary.
2. Ensure your family is advised that they may need to evacuate if a Warning Bulletin is issued.
3. Patrol Division deputies will ensure their equipment is organized and available for response should a warning occur.

(b) Deputies may consider including a supply of food and water with their supplies should an extended tour of duty be necessitated. This may result in days of isolation from supplies or relief.

331.2.3 TSUNAMI WARNING

When a Tsunami Warning is issued deputies will proceed as follows:

(a) The communications center will page all personnel (deputies, supervisors, and Sheriff). This page will read, "Tsunami Warning". "ETA" followed by the amount of time the wave is expected.

1. Personnel will not call the communications center, as the center will be inundated with telephone calls.
2. If the quake is felt locally and continues for one minute or more, you will proceed to high ground immediately.

(a) Recommended elevation 65 feet.

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(b) Arrival time of a tsunami from the Cascadia Subduction Zone will vary from 10 to 20 minutes from the time of the earthquake.

3. If the quake is not felt locally and the warning advises the quake occurred near Hawaii or Alaska, deputies will have three (3) to four (4) hours before arrival of the first wave.

(a) Deputies will assist local fire districts in warning citizens who are located in Tsunami Hazard Zones only, starting with the lowest lying populated areas along the coastline and moving inland.

1. Deputies will not normally warn citizens on the beach or engage in preventing people from accessing the beach other than to warn them of the hazard.

(b) Deputies will terminate the warning of citizens when:

1. Directed by a supervisor of the Lincoln County Sheriff's Office; or

2. The warning is canceled; or

3. When it appears that the deputy's ability to reach high ground is jeopardized due to such things as a high volume of motor vehicle traffic; or

4. 30 minutes prior to the ETA of the first wave.

(c) Some deputies may be assigned or determine that traffic control is necessary to accommodate any evacuation by motor vehicle that may occur.

(d) The jail will initiate lock-down and remain in that state of condition until directed by the Jail Commander or the Sheriff to resume normal operations.

(e) Corrections Deputies may be utilized to assist patrol deputies in warning citizens and should also be prepared for extended periods of isolation due to loss of highways and bridges.

(f) Fire districts and the U.S. Coast Guard have identified preset staging areas. Currently, the following sites have been identified:

(g) 1. Depoe Bay Collins Street, north side of the bridge

2. Depoe Bay - End of Schoolhouse Road, south end of the bridge

3. Waldport Waldport Middle School, Crestline Drive

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Water Rescue

332.1 PURPOSE AND SCOPE

There are many streams, rivers, and lakes in Lincoln County and most notably the county is bordered by the Pacific Ocean. This makes Lincoln County an ideal place for water related recreation activities, but these activities are inherently dangerous. On occasion, some people are placed at risk of drowning or are involved in near drowning incidents. As first responders, it is important that deputies possess the necessary knowledge and equipment to assist in the safe rescue and recovery of these people, while at the same time protecting themselves from becoming a victim.

332.1.1 DEFINITIONS

Drowning - Death caused by the asphyxiation of water or other liquid into the lungs, which prevents air from entering the lungs and re-oxygenating the blood. Death from drowning usually occurs after five minutes without oxygen, however, some people have been resuscitated after a longer period of time.

Hypothermia - A serious medical condition that occurs when the core temperature of the body falls below a level necessary to maintain life. Hypothermia is a common occurrence in near-drowning victims and requires immediate medical attention.

Near Drowning - An individual surviving more than 24 hours following suffocation by submersion in water.

Personal Flotation Device - A Personal Flotation Device (PFD) is a device worn by a person that provides that person with neutral buoyancy in water without the need for any physical effort. Commonly referred to as a "life jacket" and can be pneumatic or a floatable substance.

332.2 ARRIVING FIRST ON SCENE OF A WATER RESCUE

(a) Take command of the rescue. The first priority is to prevent additional victims by not allowing would-be rescuers to enter the water. Only specially trained and equipped rescue personnel should be allowed to enter the water.

(b) Patrol Deputies are provided with a Personal Floatation Device (PFD) in every patrol car. Deputies should put on (wear) the PFD at the earliest possible time, and always before approaching the water.

(c) Deputies must provide up-to-date information to responding rescue units on location and number of victims, any known or potential hazards to rescue personnel, and offer recommendations for best approach to the scene and/or command post location.

(d) Follow the four water rescue guidelines: Reach, Throw, Row, Don't Go.

1. Reach. Hold on to a dock or boat and reach your hand, boat oar, fishing pole or whatever you have nearby to the person in the water.

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2. Throw. Toss something that floats to the person in the water. All patrol vehicles are equipped with a rescue throw rope.
3. Row. If you have access to a boat, row out to the person in the water or enlist the assistance of someone else with a boat. Don't use the boat motor. The propeller could injure the person.
4. Don't go. Do Not go into the water unless you are specially trained in rescue swimming and properly equipped.

332.3 ASSISTING FIRE SERVICE

Upon the arrival of Fire Service or if Fire Service is already on scene, the Fire Service Command Officer will take command of the water rescue operation.

(a) Deputies should assist Fire Command with scene security and other requests for assistance as necessary.

(b) If the Fire Command Officer requests assistance from a dive team, the Deputy should immediately contact the Search and Rescue Coordinator and forward the request.

(c) If the Fire Command Officer requests assistance from the Lincoln County Marine Patrol, the Deputy should contact the on-duty supervisor and forward the request.

332.4 TREATMENT OF DROWNING AND NEAR-DROWNING VICTIMS FOR HYPOTHERMIA

Hypothermia will almost always be present in drowning and near-drowning victims due to the submersion and asphyxiation of water. A further cooling of core body temperature occurs after the victim is removed from the cold environment. This after-drop is often responsible for post-rescue collapse.

(a) In any water related rescue, drowning or near-drowning, it is essential to have emergency medical services on scene. Medical assistance should be summoned when there is a reasonable likelihood that a victim has been, or will be, recovered from the water.

(b) If medical assistance is not immediately available, the Deputy should take any reasonable measures necessary to keep the person warm. Preventing respiratory heat loss and progressive cooling of the heart is essential.

1. Avoid having the victim assist with their own rescue, if possible. Muscular activity by the hypothermic victim pumps cold peripheral blood from the arms and legs into the central circulation causing the core temperature to drop even further.
2. If the person is not breathing, rescue breathing should be initiated immediately. Cardiopulmonary Resuscitation (CPR) should be begun immediately if there is no pulse present.

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3. Remove wet clothing. The body will waste much needed heat trying to warm wet clothing
4. Recruit a witness while providing assistance to a female
5. Wrap the person in a warm, dry blanket to protect against heat loss and wind chill.
6. Maintain the person in a horizontal position and avoid rough movement and excess activity.
7. The person should be transported to the nearest hospital immediately.

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Registered Offender Information

333.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Lincoln County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex offenders.

333.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

333.3 REGISTRATION

The Support Services Director shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Oregon State Police in accordance with ORS 163A.035 and OAR 257-070-0100.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

333.3.1 CONTENTS OF REGISTRATION

Registrants shall (ORS 163A.010; OAR 257-070-0110):

(a) Provide the information to complete the sex offender registration form and sign it.

(b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.

(c) Submit to fingerprinting, if required.

333.4 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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Registered Offender Information

Members of the public requesting information on registrants should be provided the Sex Offender Inquiry System (http://sexoffenders.oregon.gov/), or the Lincoln County Sheriff's Office's website.

The Support Services Director shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 163A.215; ORS 163A.225; ORS 192.311 to ORS 192.499).

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Major Incident Notification

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

334.2 POLICY

The Lincoln County County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

334.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic crashes with fatalities
- Officer-involved shooting on- or off-duty (see the Officer-Involved Shooting and Deaths Policy for special notifications)
- Significant injury or death to an employee on- or off-duty
- Death of a prominent official
- Arrest of Sheriff's Office employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other event likely to attract media attention

334.4 SUPERVISOR RESPONSIBILITY

The Supervisor is responsible for making the appropriate notifications. The Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Supervisor shall attempt to make the notifications as soon as practicable.

334.4.1 STAFF NOTIFICATION

In the event an incident occurs described in this policy, the Division Commander shall be notified along with the Sheriff.

334.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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Death Investigation

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

335.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

A death investigation checklist will be completed.

335.2.1 MEDICAL EXAMINER REQUEST

Deputies are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner be notified immediately of any death (ORS146.090; ORS 146.100):

(a) Apparently homicidal, suicidal, or occurring under suspicious or unknown circumstances.

(b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents.

(c) Occurring while incarcerated in any jail, correction facility, or in police custody.

(d) Apparently accidental or following an injury.

(e) By disease, injury, or toxic agent during or arising from employment.

(f) While not under the care of a physician during the period immediately previous to death.

(g) Related to disease which might constitute a threat to the public health.

(h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community.

335.2.2 SEARCHING DEAD BODIES

(a) The Medical Examiner, their assistant, and authorized investigators are generally the only persons permitted to move, handle, or search a dead body (ORS 146.103).

(b) A deputy shall make a reasonable search of an individual who it is reasonable to believe is dead or near death for the purpose of identification or for information

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identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or their assistant shall be promptly notified, or, if the individual was taken to a hospital, the deputy must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970).

(c) The Medical Examiner, with the permission of the Office, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (ORS 146.103).

(d) Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or their assistant, the investigating deputy should first obtain verbal consent from the Medical Examiner or their assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Medical Examiner or their assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or their assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

335.2.3 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Detective Division shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Supervisor or Detective Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

335.2.4 PRESCRIPTION MEDICATIONS

All prescription medication that is located at the scene and prescribed to the deceased will be sealed in a bag with evidence tape that is initialed and dated by the deputy. The case number shall be written on the outside of the bag and the bag will be deposited in the designated lock box in the Sheriff's office EPA. A list of each medication will be included on the death investigation form. The medication will be held for a period of 30 days and disposed of by the Evidence Control Specialist.

If the investigating deputy believes any prescription medication may have been a contributing factor in the death, the medication will be inventoried and placed in evidence following the procedure outlined in the Property Procedures Policy. The prescription medication will be held for a period of 30 days. At the end of the 30-day period, the Evidence Control Specialist will contact

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the District Medical Examiner to determine if the medication is to be held longer. If released by the District Medical Examiner, the Evidence Control Specialist will destroy the medication.

Illegal substances will be seized by the deputy and placed into evidence.

335.2.5 PHOTOGRAPHS

Photograph the body upon arrival at the scene, prior to moving it (even if it was moved prior to your arrival).

Photograph the scene where the body is found.

Email a maximum of three photographs (unless you determine a need for more based on the investigation) to the Medical Examiner along with the Medical Examiners worksheet.

Submit all photographs taken into evidence.

335.2.6 REPORTING

All incidents involving a death shall be documented on the appropriate form.

335.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this office who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

335.3 PARTNERS IN LIFE TISSUE DONOR PROGRAM

A deputy who is present at a death investigation which has occurred within the previous 15-hour period, including a motor vehicle collision and/or any other situation where a death is declared, shall follow the following guidelines to ensure timely notification.

When time allows, deputies shall obtain the following information to be relayed to dispatch:

(a) Location of the deceased

(b) Approximate time of death

(c) Number of deceased

(d) Gender of deceased

(e) Age or approximate age of the deceased

(f) If the family of the deceased has been notified.

Once this information is obtained, the deputy will provide it to the communications center via MDC, phone, or radio. Deputies will note on the medical examiners form that the notification was made. The communications center will then forward the information to a 24-hour program contact number.

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335.4 POLICY

It is the policy of the Lincoln County Sheriff's Office to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

335.5 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling deputy will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

335.6 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

336.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person own use the personal identification of another person (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

336.2 REPORTING

(a) In an effort to maintain uniformity in reporting, deputies presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this Sheriff's Office. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this Sheriff's Office should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Bad Check Investigations

337.1 PURPOSE AND SCOPE

This purpose of this policy is to provide Deputies with the procedures for handling bad check investigations.

337.1.1 POLICY

It is the policy of this office to investigate all bad check cases that meet the minimum requirements as set by the District Attorney as follows:

(a) All requests for bad check investigation must include the driver's license number of the person passing the check. All arrest warrant entries in the state and federal computer require identification.

(b) Accept no check for investigation unless the victim can provide the name of the person who accepted the check.

(c) No two party checks, post dated checks or checks which the victim has been required to hold for a period of time before presenting to the bank.

(d) Do not accept checks written in payment of a revolving account, unless additional items are charged at the time the check was written.

(e) Do not accept checks, which have not been presented to the bank within 30 days of acceptance, unless the victim has ascertained from the bank that there are insufficient funds to honor the check.

(f) Except for closed accounts, the victim must present the check to the bank for collection twice, at least 20 days apart.

(g) Before accepting any check for investigation, the victim must have sent a certified letter (return receipt requested) to the person passing the check, or has personally contacted the person who wrote the check to inform them the check has been dishonored. Contact with friends or relatives of the person passing the check will not suffice.

(h) Accept no check that was written more than six months before being presented for investigation.

(i) No checks of less than $50.00, or the aggregate total of checks dishonored in our county is less than $100.00 will be accepted.

337.2 PROCEDURE

When a Deputy receives a complaint of a bad check, the Deputy will have the victim complete the "Request For Investigation" form (front side only) and return it to this office. The "Request for Investigation" MUST contain the original check, the demand letter, and original return receipt.

After receiving the above documents, the Deputy will route them to the Investigations Division where they will be assigned to a Detective who will obtain a case number.

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Bad Check Investigations

The Detective will contact the victim and complete the reverse side of the "Request For Investigation". The Detective will then complete the "Financial Institution Form" and send it to the appropriate bank for processing.

The Detective will make an attempt to contact the suspect and inform them that our office has received a "complaint". The Detective will then complete an "Affidavit In Support Of Arrest" and have it notarized. They will then send the District Attorney a copy of the police report, the original affidavit, a photocopy of the check and a copy of the bank report, stapled together in that order.

If additional checks are received on the suspect prior to conviction, another report, using the same case number, will be completed and forwarded to the District Attorney for processing. If the additional check is from a different victim, a new case number will be issued. Note: If the bank records obtained on the original case are within the same time frame as the new case, an additional request will not be necessary.

If the investigation reveals that the check(s) do not meet the District Attorney's requirements, the Deputy will contact the victim and advise him so, and then complete a card report with the name of the victim, suspect, and clearing the case by exception.

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Private Persons Arrests

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person’s arrests made pursuant to ORS 133.220(5).

338.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person’s arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person’s arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

338.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer (ORS 133.225).

In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person’s escape.

338.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

(a) Should any deputy determine that there is no probable cause to believe that a private person’s arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.

2. Absent probable cause to support a private person’s arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

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(b) Whenever a deputy determines that there is probable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

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Limited English Proficiency Services

339.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Lincoln County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

339.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

339.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Sheriff's Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by members, or who may benefit from programs or services within the jurisdiction of the Sheriff's Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

339.4 TYPES OF LEP ASSISTANCE AVAILABLE

Lincoln County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Sheriff's Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Sheriff's Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept provided LEP services at no cost or they may choose to provide their own.

Sheriff's Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

339.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. Supervisors will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

339.6 AUDIO RECORDINGS

The Sheriff's Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

339.6.1 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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339.7 AUTHORIZED INTERPRETERS

Any person designated by the Sheriff's Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must demonstrate that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

339.7.1 SOURCES OF AUTHORIZED INTERPRETERS

The Sheriff's Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other agencies.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Sheriff's Office has a resource-sharing or other arrangement that they will interpret according to guidelines.

339.7.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Sheriff's Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, members must carefully consider the nature of the contact and the

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

339.8 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Sheriff's Office or some other identified source.

339.9 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Lincoln County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

339.10 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

339.11 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should

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be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

339.12 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

339.12.1 INTERPRETER REQUIRED IN ARRESTS

A deputy who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

339.13 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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339.14 COMPLAINTS

The Sheriff's Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Sheriff's Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to a supervisor.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

339.15 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

339.16 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Sheriff's Office will provide periodic training on this policy and related procedures; including how to access authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter.

339.16.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Stalking

341.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

341.2 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Lincoln County Sheriff's Office to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney’s Office.

341.3 UNIFORM STALKING COMPLAINT

The Office will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Deputies will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, deputies shall complete a thorough investigation. All stalking incident reports and the results of any investigation shall be forwarded to the District Attorney’s Office within three days, regardless of whether any civil or criminal action was taken (ORS 163.744; ORS 163.738(7)).

341.4 UNIFORM STALKING CITATION

If after investigating a stalking complaint the deputy has probable cause to believe that the offense of stalking has occurred as provided in ORS 163.732(1), the deputy shall issue and attempt to serve a Uniform Stalking Citation to the respondent to appear in court within three judicial days of service to determine if a Stalking Protective Order will be issued (ORS 163.735; ORS 163.738).

341.4.1 SERVICE OF STALKING CITATIONS

If the Uniform Stalking Citation is served on a respondent, the District Attorney’s Office will initiate the hearing process. Deputies should:

(a) Advise the respondent of the following:

1. The court date and time and location of appearance
2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent’s copy of the citation
3. That if the respondent fails to appear at the hearing, a warrant will be issued for their arrest, as well as a Stalking Protective Order
4. That engaging in behavior that alarms or coerces the petitioner may result in their arrest

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(b) Provide a copy to the petitioner and advise the petitioner that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

If there is probable cause to issue a citation, but the citation is not served, deputies should:

(a) Document attempts to serve the respondent.

(b) Refer the victim to the following for assistance in obtaining a civil Stalking Protective Order:

1. A private attorney
2. Legal Aid
3. The District Attorney's office Victim Assistance Unit

341.5 ARREST

Deputies may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive.

341.5.1 STALKING PROTECTIVE ORDERS

Once the court issues a Stalking Protective Order and it is served on the respondent, deputies may arrest the respondent for violating the terms of the order (ORS 163.750).

341.6 RESTRAINING ORDERS

Court stalking orders and restraining orders are different and are not mutually exclusive. Stalking reports may be appropriate even if a valid restraining order is in place.

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Chaplains

342.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Lincoln County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

342.2 POLICY

The Lincoln County Sheriff's Office shall ensure that chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

342.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

342.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Lincoln County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

342.4.1 SELECTION AND APPOINTMENT

Chaplain candidates should participate in ride-alongs and jail tours before and during the applicant process and if selected, are encouraged to continue periodic ride-alongs and jail visits. Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Sheriff and/or designee..

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a

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liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

342.5 IDENTIFICATION AND UNIFORMS

As representatives of the Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Lincoln County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Lincoln County Sheriff's Office identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or property at the termination of service.

342.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing this office. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Lincoln County Sheriff's Office.

342.6.1 COMPLIANCE

Chaplains are volunteer members of this office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

342.6.2 ASSISTING MEMBERS

The responsibilities of a chaplain related to members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

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(f) Being alert to the needs of members and their families.

342.6.3 ASSISTING THE SHERIFF'S OFFICE

The responsibilities of a chaplain related to this office include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the supervisor aids in accomplishing the mission of the Office.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of members.

(e) Attending ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Office.

342.6.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Office.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

342.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members may work or volunteer for the Lincoln County Sheriff's Office in any capacity other than that of chaplain.

Chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Lincoln County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

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Telephone Procedures

343.1 PURPOSE AND SCOPE

Public perception of the Lincoln County Sheriff's Office relies primarily on the first impressions of Sheriff's Office employees, both through in-person contact and by responding to telephone calls. Sheriff's Office employees answering the telephone must maintain a polite and business-like demeanor to foster a professional image of this Office.

343.1.1 OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION (GSPC)

The Oregon Government Standards and Practices Commission (GSPC) address the personal use of publicly owned telephones and cellular phones.

343.2 USE OF COUNTY OR PUBLICLY OWNED PHONES

(a) Use of Department or any publicly owned phone is restricted to official business.

1. On occasion, personal calls on non-cellular phones may be necessary, but they should be limited to emergencies or essential personal business and must be brief.
2. Personal long distance calling from public agency telephones (regular or cellular) is prohibited, even if reimbursed.
    (a) If a personal long distance phone call is necessary, the employee must use a regular telephone and a personal calling card or call collect and must bear the total cost of the call.

(b) Personal use of publicly owned cellular phones is prohibited except in clearly urgent situations.

(a) An example is when a deputy is unexpectedly being required to work past the normal end of a shift, when no other telephone is available and the call is related to the conduct of official business.

(c) Reimbursement is not sufficient to avoid the violation.

(d) The GSPC recommends that public employees obtain and carry their own cellular telephones for personal use at their own expense.

343.3 PROCEDURE

When answering a telephone call originating from outside the work site, employees will identify their affiliation with the department by identifying themselves as employees of the Lincoln County Sheriff's Office, or division of assignment, as appropriate.

Employees are reminded that they should always identify themselves when calling on Department business. The GSPC can impose civil penalties of up to $1000 per violation.

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Child and Dependent Adult Safety

344.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

344.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Lincoln County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

344.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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344.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services, if appropriate.

(e) Notify the field supervisor or Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

344.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

344.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

344.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

344.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the deputy facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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344.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Dog-Handling

346.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office recognizes the importance of pets to their owners. Dogs are especially important to their owners and naturally defensive of their owners and their owner's property.

346.2 PROCEDURE

When responding to a call for service, deputies should be mindful that they may encounter a dog at a residence, a place of business, or at a public location.

There are specific actions a deputy should or should not take when confronted by a dog. It may be possible to immediately determine that a dog is or is not a threat. When determining that a dog may be a threat, deputies should follow the guidelines provided in training. The following is not a complete list of appropriate tactics available to deputies:

- Do not look a dog in the eyes;
- Do not approach the dog directly, but in a slow simi-circular fashion;
- Use a soft and reassuring tone of voice;
- Watch for signs from the dog:
    - Is their tail wagging or not, or between their legs;
    - Are they growling or panting;
    - Are they standing or sitting.

These are all signs as to whether the dog is receptive to or threatened by your presence.

Deputies should be mindful that pepper spray is an effective tool to discourage an aggressive dog. Deputies should not resort to deadly physical force unless other options have failed or other circumstances dictate necessary action to protect them or another person from an attack that could result in serious injury or death.

346.2.1 SUPERVISOR NOTIFICATION

Deployment of any device or dog injury will be reported to a supervisor as soon as practicable and the owner will be contacted to explain the circumstance and justification and extend our regrets. The incident will be documented in a report.

346.3 TRAINING

The Training Sergeant will ensure that deputies receive annual training on dog-handling procedures.

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Volunteer Program

347.1 PURPOSE AND SCOPE

It is the policy of this Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

347.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

347.2 VOLUNTEER MANAGEMENT

347.2.1 VOLUNTEER COORDINATOR

Volunteer Coordinators shall be appointed by each Division Commander with volunteer programs. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

347.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

347.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and may include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Oregon State Police Clearinghouse Unit.

(b) Employment.

(c) References.

347.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Office.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

347.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Office, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office.

347.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

347.2.7 DRESS CODE

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to office-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official office assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

347.2.8 LIABILITY COVERAGE

Liability coverage for covered volunteers will be pursuant to County provisions.

347.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be

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responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

347.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

347.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

347.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) Verification that the volunteer possesses a valid Oregon Driver's License.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

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347.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete the Law Enforcement Data System (LEDS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and LEDS training is provided for volunteers whenever necessary.

347.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

347.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

347.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Off-Duty Law Enforcement Actions

348.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Lincoln County Sheriff's Office with respect to taking law enforcement action while off-duty.

348.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any certified member of this office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

348.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty deputies shall also carry their issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed any amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

348.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or CED.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

348.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Lincoln County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

348.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

348.4.3 CIVILIAN RESPONSIBILITIES

Non-certified personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

348.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

348.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify a sergeant as soon as practicable. The sergeant will determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Social Media

349.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this office's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

349.1.1 POLICY

Social media provides a new and potentially valuable means of assisting this Office and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by the Sheriff and supervisory personnel. This Office also recognizes the role that these tools play in the personal lives of some Sheriff's Office personnel. The personal use of social media can have bearing on Office personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Sheriff's Office personnel.

349.1.2 DEFINITIONS

Blog - A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page - The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post - Content an individual shares on a social media site or the act of publishing content on a site.

Profile - Information that a user provides about himself or herself on a social networking site.

Social Media - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and videosharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0 - The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki - Web page(s) that can be edited collaboratively.

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349.2 ON-THE-JOB USE

349.2.1 SHERIFF'S OFFICE-SANCTIONED PRESENCE

Determine strategy

(a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Sheriff's Office presence on the website.

(b) Where possible, the page(s) should link to this Office's official website.

(c) Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

Procedures

(a) All Sheriff's Office social media sites or pages shall be approved by the Sheriff or his or her designee and shall be administered by the Sheriff or his or her designee.

(b) Where possible, social media pages shall clearly indicate they are maintained by the Sheriff's Office and shall have appropriate contact information prominently displayed.

(c) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

1. Content is subject to public records laws. Relevant records retention schedules apply to social media content.

2. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

(d) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Sheriff's Office.

1. Pages shall clearly indicate that posted comments will be monitored and that the Sheriff's Office reserves the right to remove obscenities, off-topic comments, and personal attacks.

2. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Sheriff's Office Sanctioned Use

(a) Sheriff's Office personnel representing this office via social media outlets shall do the following:

(a) Conduct themselves at all times as representatives of the Lincoln County County Sheriff's Office and, accordingly, shall adhere to all Office standards of conduct and observe conventionally accepted protocols and proper decorum.

(b) Identify themselves as a member of the Sheriff's Office.

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(c) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Sheriff's Office training, activities, or work-related assignments without express written permission.

(d) Not conduct political activities or private business.

(b) The use of Sheriff's Office computers by office personnel to access social media is prohibited without authorization.

(c) Sheriff's Office personal use of personally owned devices to manage the office social media activities or in the course of official duties is prohibited without express permission.

(d) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

349.2.2 POTENTIAL USES

Social media is a valuable investigative tool when seeking evidence or information about:

(a) missing persons;

(b) wanted persons;

(c) gang participation;

(d) crimes perpetrated online (i.e., cyberbullying, cyberstalking); and

(e) photos or videos of a crime posted by a participant or observer.

Social media can be used for community outreach and engagement by:

(a) providing crime prevention tips;

(b) offering online-reporting opportunities;

(c) sharing crime maps and data; and

(d) soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip)

(e) educating public about the Sheriff's Office.

Social media can be used to make time-sensitive notifications related to:

(a) road closures,

(b) special events,

(c) weather emergencies, and

(d) missing or endangered persons

(e) town halls.

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Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

The Lincoln County County Sheriff's Office has an obligation to include Internet-based content when conducting background investigations of job candidates.

Searches should be conducted by a nondecision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

Search methods shall not involve techniques that are a violation of existing law.

Vetting techniques shall be applied uniformly to all candidates.

Every effort must be made to validate Internet-based information considered during the hiring process.

349.3 PERSONAL USE

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Lincoln County Sheriff's Office will carefully balance the individual employee's rights against the Sheriff's Office needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

Employees should follow the guidelines in Policy 1035, Employee Speech, Expression and Social Networking regarding personal use of social media sites.

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Canines

350.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

350.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

350.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Supervisor.

350.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

350.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Patrol Division shall be reviewed by the Supervisor.

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350.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Supervisor and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

350.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

350.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Supervisor. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

350.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

350.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the

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handler shall document in any related report how the warning was given and, if none was given, the reasons why.

350.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

If the local public health administrator has exempted this office from the requirement to hold the canine after a bite, the canine handler shall notify the local public health administrator immediately should the canine develop any abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

350.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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350.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

350.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all equipment under his/her control in a clean and serviceable condition.

(c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(e) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(f) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or designee.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Supervisor.

(i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

(j) Handlers should not tether a canine in a manner that would violateORS 167.325(1), ORS 167.330(1) and/or ORS 167.343.

350.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

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(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

350.9 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding between the handler and the County (29 USC § 207).

350.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

350.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Oregon Police Canine Association (OPCA) standards or other accredited and recognized animal handling organization standards (ORS 167.310). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Supervisor.

350.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to OPCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Lincoln County Sheriff's Office canine training provider.

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(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or the Supervisor.

350.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing OPCA canine certification standards, or other accredited or recognized animal handling organization standards, shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

350.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler’s and the canine’s training file.

350.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Lincoln County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

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Native American Graves Protection and Repatriation

351.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

351.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

351.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

351.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe, and the Commission on Indian Services (ORS 97.745)
- Tribal land - Responsible Indian tribal official

351.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Extreme Risk Protection Orders

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for the deadly weapons obtained pursuant to those orders.

352.1.1 DEFINITIONS

Definitions related to this policy include (ORS 166.525):

Deadly weapon - A firearm, whether loaded or unloaded, or any other instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury.

Extreme risk protection order - An order prohibiting a named person from having in his/her custody or control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a deadly weapon.

352.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for deadly weapons obtained by the Office pursuant to such orders.

352.3 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes a person presents a risk in the near future, including an imminent risk of suicide or causing physical injury to another person, may request permission from his/her supervisor to petition the court for an extreme risk protection order. The petition must be supported by a written affidavit signed under oath or by a sworn oral statement (ORS 166.527).

352.4 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form (ORS 166.527).

Any served order shall be entered into the state’s Law Enforcement Data Systems (LEDS) by this Office with a request that the order be entered in the National Crime Information Center (NCIC) when the order is served (ORS 166.527):

(a) By a member of this Office.

(b) By any law enforcement agency and this Office is provided a receipt of a copy of the order and notice of completion of service.

(c) By a person and this Office is provided a copy of the proof of service.

Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

The Office shall provide the petitioner a copy of the proof of service for the extreme risk protection order (ORS 166.527).

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If service of the order cannot be completed within 10 days, the deputy shall notify the petitioner at the address he/she provided. If the deputy is the petitioner and service is not made, the order shall be held for future service and the deputy should file notice to the court showing service was not completed (ORS 166.527).

352.4.1 SURRENDER OF DEADLY WEAPONS AND HANDGUN LICENSE

The deputy serving an extreme risk protection order shall request that the person immediately surrender all deadly weapons in his/her custody, control, or possession along with any concealed handgun license issued to the person. The deputy shall take custody of any weapons or license surrendered. If the person indicates an intention to surrender the weapons to a gun dealer or a third party, the deputy shall request that the person identify that gun dealer or third party. Prior to taking any enforcement action, the deputy should make a reasonable effort to follow up with the gun dealer or third party to determine if the deadly weapons were surrendered (ORS 166.537).

The deputy serving an extreme risk protection order continued after a court hearing held under ORS 166.530, or a renewed extreme risk protection order, shall request that the person surrender all deadly weapons in his/her custody, control, or possession. The deputy may conduct any search permitted by law for deadly weapons and shall take possession of all deadly weapons appearing to be in the custody, control, or possession of the person that are surrendered, in plain sight, or discovered pursuant to a lawful search (ORS 166.537).

A receipt identifying all surrendered items shall be prepared by the deputy and a copy given to the person. The deputy should ensure the original receipt is forwarded to the Support Services Director as soon as practicable (ORS 166.537).

All deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

352.4.2 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any deadly weapons, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

352.5 SUPPORT SERVICES DIRECTOR RESPONSIBILITIES

The Support Services Director is responsible for:

(a) Ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Office (ORS 166.537).

(b) Ensuring orders have been properly entered into state and national databases as required by ORS 166.527.

(c) Removing from LEDS an original order upon receipt of a termination order from the court and requesting that the order be removed from NCIC (ORS 166.533).

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352.6 COURT-ORDERED SURRENDER OF DEADLY WEAPONS

Authorized members should accept deadly weapons and a concealed handgun license from any person who is the subject of an extreme risk protection order. The member receiving any such items shall issue a receipt identifying all surrendered items, in addition to following other relevant Office procedures (ORS 166.537).

352.7 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in Office custody pursuant to an extreme risk protection order will be released only as authorized by ORS 166.540 and applicable provisions of the Property and Evidence Policy.

352.8 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Detective Division supervisor is responsible for the review of any extreme risk protection order obtained by the Office to determine if renewal should be requested within the time prescribed by law (ORS 166.535).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Sheriff's Office to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Lincoln County Sheriff's Office, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between the Patrol and other divisions within the Sheriff's Office, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the Lincoln County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to a Detective.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-office cooperation and information flow between the various divisions of the Lincoln County Sheriff's Office.

400.2.1 CRIME ANALYSIS UNIT

Criminal information and intelligence reports can be submitted to Records for distribution to all divisions within the Sheriff's Office through regular and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION BINDERS

Several information binders will be maintained in the briefing room and will be available for review by deputies from all divisions within the Sheriff's Office. These will include, but not be limited to, the briefing binder, the wanted persons binder, and the written directive binder.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Lincoln County Sheriff's Office's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), language, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes profiling as defined by ORS 131.915 and explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes toward certain groups).

401.2 POLICY

The Lincoln County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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401.4.1 REASON FOR CONTACT
Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.
    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Computer (MDC) data, and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 STATE REPORTING

401.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS COMMITTEE
The Support Services Division shall annually provide the Law Enforcement Contacts Committee (LECC) the following (ORS 131.925):

(a) Copies of profiling complaints received by the Office.

(b) A summary of each profiling complaint received by the Office and the final disposition of the profiling complaint on the appropriate form.

(c) The annual profiling complaint certification form.
    1. This form is to be submitted even if no profiling complaints were received by the Office.

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Summaries of complaints and copies of complaints provided to LECC may not include personal information concerning the complainant or a deputy (ORS 131.925).

The Support Services Division should provide LECC, upon request, data regarding stops or contacts as identified in ORS 131.906(5). Data provided may not identify a deputy or an individual whose demographic data is collected (ORS 131.906).

401.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION

The Support Services Division shall provide the OCJC with traffic and pedestrian stop data annually as prescribed by ORS 131.935.

Data may not include information that reveals the identity of any stopped individual or of any deputy (ORS 131.935).

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

401.7.1 ADDITIONAL STATE REQUIREMENTS

The Training Sergeant should ensure that deputies receive training implemented by the Department of Public Safety Standards and Training regarding procedures to facilitate the collection of deputy-initiated traffic and pedestrian stop data (ORS 131.935).

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Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 PREPARATION OF MATERIALS

The supervisor conducting briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in the supervisor's absence or for training purposes.

402.3 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.4 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among office members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in the supervisor's absence or for training purposes.

Briefing should include but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
    1. Wanted persons.
    2. Crime patterns.
    3. Suspect descriptions.
    4. Intelligence reports and photographs.
    5. Community issues affecting law enforcement.
    6. Major investigations.
(b) Notifying members of changes in schedules and assignments.
(c) Reviewing recent incidents for situational awareness and training purposes.
(d) Providing training on a variety of subjects.
(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Directives and any recent policy changes.

402.4.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

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402.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.2.1 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the supervisor.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

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(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any certified member of this office is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ORS 433.156).

403.7 PATROL DIVISION COMMANDER RESPONSIBILITIES

The Patrol Division Commander is responsible for:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

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Tactical Response Team

404.1 PURPOSE AND SCOPE

The purpose of the Lincoln County Tactical Response Team (TRT) is to respond to high risk incidents to assist patrol in containing situations until a full service SWAT team arrives. The goal of the Tactical Response Team is to provide the maximum amount of protection to innocent persons, law enforcement officers, and suspect(s).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the TRT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Sheriff's Office personnel allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 TACTICAL RESPONSE TEAM DEFINED

According to the National Tactical Officers Association (NTOA), "Tactical Response Teams" are typically formed to address one or more mission capabilities other than deliberate hostage rescue operations, such as warrant service, barricaded subject, or some type of high-risk security operations. Certain critical incidents are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

The TRT is a designated unit of deputies specifically trained and equipped to work as a coordinated team to assist patrol with containing situations until a full service SWAT team arrives. The TRT trains and is prepared to act to resolve an incident prior to arrival of a full service SWAT team if the situation deems it necessary, such as an "active shooter." As a matter of agency policy, such a unit may also be used to serve warrants, both search and arrest, when the mission does not meet the requirements for a full service SWAT team.

The TRT will work under the command of a full service team upon their arrival to an incident.

404.2 LEVELS OF CAPABILITY/TRAINING

The Lincoln County Tactical Response Team is not a full service team. It is capable of providing containment until a full service SWAT team arrives, or intervention if the situation becomes so dangerous that waiting is not an option. The team members have regular assignments and may, or may not, work together on a daily basis. It is intended, however, that they respond to incidents as a team. Team members should receive a minimum of eight hours of training per month and one 20-hour training session per year as a team. Team members who are unable to attend scheduled training should complete make up training approved by the Team Leader. The TRT operates in accordance with laws, rules and procedures.

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404.3 AGENCY POLICY

It shall be the policy of this agency to employ the Lincoln County Tactical Response Team and to provide the equipment, manpower, and training necessary to meet its obligations. The Tactical Response Team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators, and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceed their training levels due to the exigency of the circumstances.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of TRT missions and operations appropriate to this agency. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the Team Commander or his/her designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This office will maintain organizational procedures which should address, at minimum:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Out-of-jurisdiction response

(i) Specialized functions and supporting resources

404.3.3 OPERATIONAL PROCEDURES

(a) This office shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the "National Tactical Officers Association" Suggested SWAT Best Practices. However, because such procedures are specific to Team members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum:

(b) Operational plan for responding to each incident (time permitting);

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1. Designated personnel should be responsible for developing an operational or tactical plan prior to, and during, SWAT operations.
2. Mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
    (a) When possible, briefings should include the specialized units and supporting resources.
3. All SWAT team members should have an understanding of operational planning.
4. SWAT team training should consider planning for both spontaneous and planned events.
5. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
6. Protocols for a sustained operation should be developed which may include relief, rotation of personnel, and augmentation of resources.

(c) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(d) The appropriate role for a trained negotiator.

(e) A standard method of determining whether or not a warrant should be regarded as high-risk.

(f) A method for deciding how best to serve a high-risk warrant with all alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(g) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
    (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    (b) When appropriate, debriefing should include specialized units and resources.

(h) Sound risk management analysis.

(i) Standardization of equipment deployed.

404.4 TRAINING NEEDS ASSESSMENT

The TRT Commander shall conduct an annual TRT Training needs assessment to ensure that training is conducted within team capabilities and agency policy.

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404.4.1 INITIAL TRAINING

New TRT members will attend a basic SWAT course or its equivalent as soon as practical.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed agency requirements or NTOA standardized training recommendations.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized TRT functions and other supporting resources should be completed prior to full deployment of the team.

TRT operators and TRT supervisors/team leaders will complete mandatory ongoing tactical training. Each member will complete a minimum of 100 hours of training each year.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

To ensure command and executive personnel who provide active oversight at the scene of TRT operations understand the purpose and capabilities of the teams, command and executive personnel are encouraged to attend training for managing the TRT function at the organizational level.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. TRT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

404.4.4 TACTICAL RESPONSE TEAM ONGOING TRAINING

Training shall be coordinated by the Team Leader. In addition to specialized training, the Team Commander may conduct training exercises to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

(a) Each member shall perform a physical fitness test (ORPAT) annually. Members will be required to maintain an ORPAT time of 4:30 or less to remain an active member of the team.

(b) Any team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 60 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt will result in dismissal from the team.

(c) Those team members who are on vacation, ill, or are on modified duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within thirty (30) days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30 day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Each team member shall maintain a 95% score on the agency handgun qualification course. Failure to qualify will require that member to seek remedial training from a team range master approved by the Team Commander. Team members who fail to

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qualify must retest within 60 days. Failure to qualify within 60 days with or without remedial training will result in dismissal from the team.

404.4.5 TRAINING SAFETY
A designated safety officer shall be assigned for all tactical training.

404.4.6 SCENARIO BASED TRAINING
The TRT should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Sergeant. Such documentation shall be maintained in each deputy's individual training file. A separate TRT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS
The Lincoln County Tactical Response Team may require utilization of special uniforms, equipment, and firearms outside of what is provided for uniformed patrol deputies.

404.5.1 ON-SCENE DETERMINATION
TRT members should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT
The TRT should be adequately equipped to meet specific mission needs. All equipment shall be agency-issued including modifications.

404.5.3 FIREARMS
Weapons and equipment used by TRT members shall be agency-issued including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTIONS
The TRT Commander shall appoint a supervisor to perform periodic visual inspections of unit equipment. The inspection will include personal equipment issued to members of the unit and equipment maintained or used in TRT response vehicles.

404.6 MANAGEMENT/SUPERVISION OF THE TACTICAL RESPONSE TEAM
The Commander of the TRT shall be selected by the Sheriff.

404.6.1 TEAM COMMANDER
Under the direction of the Sheriff, through the Patrol Operations Division Commander, the TRT shall be managed by a lieutenant.

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404.6.2 TEAM SUPERVISORS

The TRT will be supervised by a team leader.

The team leader shall be selected by the Sheriff upon specific recommendation by staff and the Team Commander.

The following represent the team leaders responsibilities for the TRT:

(a) The Tactical Response Team leader's primary responsibility is to supervise the operations of the Team, which will include deployment, training, first line participation, and other duties as directed by the Team Commander.

404.7 TACTICAL RESPONSE TEAM ADMINISTRATIVE PROCEDURES

The TRT was established to provide a skilled and trained team which may be deployed to assist law enforcement in containing an incident until a full service SWAT team arrives.

The following procedures serve as directives for the administrative operation of the TRT.

404.7.1 SELECTION OF PERSONNEL

Interested non-probationary certified personnel shall submit a letter of interest to their supervisor, a copy of which will be forwarded to the Division Commander and TRT Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the Team Commander. The testing process will consist of a minimum of an oral board, physical agility, basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the Team Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability and exceptional character as evidenced by performance.
2. Demonstrated good judgment and understanding of critical role of TRT member.
3. Special skills, training, or appropriate education as it pertains to this assignment; and
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The ORPAT physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of TRT-related duties. The test and scoring procedure will be established by the Team Commander. A minimum qualifying score of 4:30 shall be attained by the applicant to be considered for the position.

(c) Basic handgun: Candidates will be invited to shoot the Basic Drill for the handgun. A minimum qualifying score of 95 out of a possible score of 100 must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, character, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

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(e) A list of successful applicants shall be submitted to the Team Commander, for final selection.

404.7.2 TEAM EVALUATION
Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Team Commander. The performance and efficiency level, as established by the team leader, will be met and maintained by all TRT members. Any member of the TRT who performs or functions at a level less than satisfactory in his/her daily duties or during team operations, shall be subject to dismissal from the team.

404.8 OPERATION GUIDELINES FOR THE TACTICAL RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the TRT.

404.8.1 ON-SCENE DETERMINATION
The supervisor in charge on the scene of a particular event will assess whether the TRT should respond to the scene. He/she will notify the TRT Commander or Team Leader in the Commander's absence

404.8.2 APPROPRIATE SITUATIONS FOR USE OF THE TACTICAL RESPONSE TEAM
The following are examples of incidents which may result in the activation of the TRT:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) A full service SWAT team is responding to any situation and assistance is needed with containment.

(f) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.8.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the TRT Commander or Supervisor. Deployment of the TRT to requests by other agencies must be authorized by a Division Commander.

404.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
The TRT should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) TRT members from this office shall operate under the policies, procedures and command of the Lincoln County Sheriff's Office when working in a multi-agency situation.

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404.8.5 MOBILIZATION OF TACTICAL RESPONSE TEAM

The On-Scene supervisor shall make a request to the TRT commander. If unavailable, a team leader shall be notified.

The On-Scene supervisor should advise the Team Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

(i) If a full service SWAT team is needed, the agency of jurisdiction is responsible for their request.

The Team Commander or Team Leader shall then ensure selected officers are notified to respond.

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the TRT and or full service SWAT team, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the full service SWAT team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the TRT and Team Commander on situation.

(g) Plan for, and stage, anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the TRT at the scene, the Incident Commander shall brief the Team Commander and Team Leaders about the situation. Upon review, it will be the Incident Commander's decision, with input from the TRT Commander, how to deploy the TRT until a full service SWAT team

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arrives. Once the Incident Commander authorizes deployment, the TRT Commander will be responsible for the tactical portion of the operation until a full service SWAT team arrives. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT and TRT. The Incident Commander and theTRT Commander (or his or her designee) shall maintain communications at all times. Once a full service SWAT team arrives, the TRT will work under it's direction. The full service SWAT team leadership will maintain communications with the Incident Commander.

404.8.8 COMMUNICATION WITH TRT PERSONNEL

All of those persons who are not part of TRT or full service SWAT team should refrain from any non-emergency contact or interference with any member of the team during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT or TRT personnel directly.

404.9 POST INCIDENT REVIEW

A Post Incident Review shall be completed by the Team Leader and submitted to the Team Commander for approval following each team deployment. All Post Incident Reviews will be saved and maintained in a separate file by the training sergeant.

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Noise-Flash Distraction Device

405.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office Tactical Response Team (TRT) employs a variety of specialized equipment and munitions to include Noise-Flash Distraction Devices (NFDD). This policy provides direction on the use of those devices.

405.1.1 POLICY

It is the policy of this office to recognize the NFDD as an important tool for reducing the risk of serious injury or death to deputies and citizens involved in certain high-risk operations. This office also recognizes the potential risk of injury if the NFDD is used improperly.

405.2 DEPLOYMENT

(a) Distraction devices shall only be carried and used by designated personnel of the tactical element who have been trained and certified as end-users with the devices.

(b) Deployment will be on the authorization of the TRT Leader, or when deemed necessary by the entry operative.

405.3 PROCEDURES

Prior to actual deployment, consideration will be given to:

(a) Alternative actions that do not increase the risk to deputies and citizens.

(b) Fire hazard due to structure and other flammables.

(c) Presence of young children.

(d) Presence of non-involved citizens.

(e) Presence of elderly persons.

(f) Perceived threat level.

The purpose of utilizing distraction devices is to obtain a three (3) to five (5) second reduction of threat by momentarily disorienting the suspect(s). The use of a NFDD shall be limited to an area visible to the deploying deputy prior to deployment.

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Civilian Observers, Patrol Ride-Alongs and Jail Tours

406.1 PURPOSE AND SCOPE

To establish policy and procedures for members of the community and other approved non-employees to observe Sheriff's Office operations.

406.1.1 POLICY

It is the policy of this Office to enhance community relations by providing an opportunity for citizens to experience the Patrol Division's function first-hand by participating in partol ride-alongs, and the Jail Division's function by providing tours of the jail.

406.1.2 DEFINTION

Patrol Ride-Along - As used in this policy, "patrol ride-along" includes participating in observing the functions of a Marine, Forest, Detective or Patrol Deputy.

406.2 RULES GOVERNING OBSERVERS

(a) Applicants for a patrol ride-along or jail tour must be 18 years of age.

1. Exceptions may be granted for the minor of an employee or for a school sponsored program.
2. If the applicant is under 18 years of age, they must have their parents' written approval.
3. No one under 16 years of age will be allowed to participate in the ride-along program.

(b) The observer must agree to the following:

1. The observer will follow the directions of the deputy;
2. The observer will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment;
3. The observer will not be allowed to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen;
4. The observer will under no circumstances be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person;
5. To testify, if called or subpoenaed as a witness, about any event observed while participating in the ride-along program;
6. The patrol ride-along or jail tour may be terminated at any time for any reason.

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(c) Civilian observers will not be allowed to ride-along or tour the jail more than once every six months, unless approved by the Division Commander.

(d) Observers will not have access to view any confidential materials such as reports or CCH/DMV/LEDS/NCIC data.

(e) Observers will be dressed in suitable attire.

1. Male observers shall wear a collared shirt, slacks or jeans in good condition and shoes.
2. Female observers shall wear slacks or jeans in good condition, or a pants suit. No dresses or skirts are permitted. No pumps or high heels.
3. Sandals, T-shirts, tank tops, or shorts are not permitted.
4. Pants or shirts that allow the exposure of undergarments, bare midriff, back or cleavage are not permitted.

(f) Off-duty members of the Sheriff's Office, or any other law enforcement agency, will not be permitted to tour or ride-along without the written approval of the Division Commander.

1. In the event the ride-along is approved, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.
2. Off-duty members will not wear their uniform and will conform to all rules of this policy.

406.3 PATROL RIDE-ALONG PROCEDURE

(a) Persons permitted to participate in the patrol ride-along program will generally fall within one or more of the following categories:

1. Employee of another law enforcement agency;
2. Resident of Lincoln County;
3. Career interest in law enforcement;
4. Public Official regardless of residency;
5. Media representative;
6. Relative, friend, or associate of a Sheriff's Office employee.

(b) A person interested in a patrol ride-along will complete an application/waiver form and submit the form to the Sheriff's Office.

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(c) A supervisor will review the patrol ride-along form and if the person meets the requirements, the form will be forwarded to the records division for a background check, who will forward the results back to the supervisor.

1. The criminal history check will include a check of the local records database, CCH, and DMV records via LEDS/NCIC.
2. Your request may be denied based on the information obtained from this background check if the supervisor determines that it would be detrimental to the interest of the office.

(d) If the request is approved, the supervisor will assign a deputy to contact the applicant and make the appropriate arrangements for the patrol ride-along.

1. If the applicant is a family member, friend, or associate of a deputy they may request to ride with that deputy.

(e) If the request is denied, the supervisor will notify the applicant and advise him/her of the denial.

(f) The application/form will be forwarded to the Division Commander at the completion of the patrol ride-along.

406.4 JAIL TOUR PROCEDURE

(a) A person interested in a jail tour will contact the Division Commander to request a tour.

(b) If the Division Commander determines the person meets the criteria, they will schedule a tour.

1. If the person requesting a tour is under 18 years of age they must have their parent or guardian sign a parental consent form.

(c) The tour guide will inquire if the applicant has a relative, significant other, or friend currently in custody.

1. If the applicant does have a relative, significant other, or friend in the jail, the tour may be canceled, rescheduled or modified to avoid exposure to the incarcerated individual.

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Hazardous Material Response

407.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this Sheriff's Office.

407.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See Oregon Revised Statutes 453.005(7) for a complete list.

407.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).

(b) Notify Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of immediate area and surrounding areas dependent on substance.

407.3 REPORTING EXPOSURE(S)

Sheriff's Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

407.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Sheriff's Office will be obtained through the Fire Department.

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The employee or employees supervisor if the employee is unable, will complete a Workers Compensation form if an injury is diagnosed Oregon Revised Statutes 656.265. If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report indicating the circumstances of the event and the potential of an exposure.

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Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

408.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

408.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has probable cause to believe that a hostage is being held may order a telephone company to cut, reroute or divert telephone lines to prevent a suspect from communicating with anyone other than deputies or other designated individuals (ORS 165.549).

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408.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

408.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support)..

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Sheriff's Office, such as command officers.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) aka SWAT response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

408.6 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Lincoln County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

409.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 RECEIPT OF BOMB THREAT

Members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established evidence procedures.

The member receiving the bomb threat should ensure that the Supervisor is immediately advised and informed of the details. This will enable the Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 LINCOLN COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Lincoln County Sheriff's Office facility, the Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the Sheriff's Office, as he/she deems appropriate.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Lincoln County Sheriff's Office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Supervisor deems appropriate.

409.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

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If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 PRIVATE FACILITY OR PROPERTY

When a member receives notification of a bomb threat at a location in Lincoln County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting deputy assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.5.1 ASSISTANCE

The Supervisor should be notified when deputy assistance is requested. The Supervisor will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including deputy control over the facility.

Should the Supervisor determine that the Office will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request deputy assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Supervisor including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.

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5. The areas to be evacuated or cleared.

409.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

409.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

409.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Supervisor should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Civil Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under protective custody for civil commitment (ORS 426.228).

410.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

410.3 AUTHORITY

A deputy may take a person into custody when the deputy has probable cause to believe the person is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness (ORS 426.228(1)).

A deputy shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the deputy to deliver to the treating licensed independent practitioner (ORS 426.228(2)).

The deputy shall transport the person in custody to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3).

If, upon delivery of the person to the facility, the licensed independent practitioner finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The deputy or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

410.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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410.3.2 EXTREMELY DANGEROUS PERSONS

A deputy may take into custody an individual on conditional release from a state hospital pursuant to an order of revocation. The written order does not have to be in the possession of the deputy, and may be confirmed through the Law Enforcement Data System (LEDS) (OAR 859-200-0310).

A person may be taken into custody if all of the following conditions apply (OAR 859-200-0305):

(a) A deputy has reasonable cause to believe the individual is an extremely dangerous person with a mental illness (as defined by OAR 859-200-0020)

(b) The person presents a serious danger to others because of a mental disorder

(c) The person is in need of immediate care, custody or treatment

(d) The person has been civilly committed to the jurisdiction of the Psychiatric Security Review Board by a court

The deputy shall transport the individual to a state hospital operated by the Oregon Health Authority (OAR 859-200-0310).

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions (e.g., information from LEDS).

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 FOREIGN NATIONALS

If a deputy takes a person into custody for a civil commitment and reasonably suspects that the person is a foreign national, the deputy shall inform the person of his/her right to communicate with an official from the consulate of the person's country (ORS 426.228(9)).

410.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, a supervisor should be notified.

410.5.1 CLEARANCE REQUIRED

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting deputy must obtain, if possible, medical clearance from a licensed independent practitioner who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health (ORS 426.228(3)).

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the deputy should provide the staff member with the information for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

410.7 DOCUMENTATION

The deputy should complete a hospital intake form and provide it to the facility staff member.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.7.1 REQUIREMENTS

Deputies shall use OHA form MHD 426.228 or otherwise ensure that the report states (ORS 426.228):

(a) The reason for custody.

(b) The date, time and place the person was taken into custody.

(c) The name and telephone number of the community mental health director.

410.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

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(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

This office will endeavor to provide approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

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Citation Releases

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Lincoln County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

411.2 RELEASE

A suspected offender may be released on issuance of a criminal citation if the deputy has probable cause to believe that the person has committed a misdemeanor or has committed any felony that is subject to misdemeanor treatment under ORS 161.705 (reduction of certain felonies to misdemeanors) (ORS 133.055).

411.2.1 CITATION RELEASES ON WARRANTS

If the offense is not excluded under ORS 133.055, the court may authorize a deputy to issue and serve a criminal citation in lieu of arrest (ORS 133.110).

411.3 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

(a) The deputy has probable cause to believe that the person has been served a valid restraining order as described in ORS 133.310 (orders relating to stalking, elder and disability abuse, sexual abuse) and the person has violated the terms of the order (ORS 133.310).

(b) The deputy has probable cause to believe that the person has been charged with an offense under ORS 135.230 through ORS 135.290 (sexual offenses, domestic violence, methamphetamine crimes), and is presently released and has failed to comply with a no contact condition to the release agreement (ORS 133.310).

(c) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others (release may occur as soon as this condition no longer exists).

1. Any deputy encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to him/herself or to any other person, shall transport the individual to the nearest appropriate treatment facility or sobering facility (ORS 430.399).

See the Domestic Violence Policy for release restrictions related to those investigations.

411.3.1 FINGERPRINTS AND PHOTOGRAPHS

In certain cases, it may appropriate to fingerprint and photograph persons prior to citing and releasing them. In such cases, the person shall be taken into custody and transported to the jail for that purpose, after which, they may be issued a citation and released.

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411.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual’s ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

411.5 POLICY

The Lincoln County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

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Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Lincoln County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Lincoln County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Member of Admin and Tech Staff	No note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Service Staff	Yes note a	Yes	Yes	Yes	No for official acts. Yes otherwise	No immunity or inviolability note a
Career Consul Officer	Yes if for a felony and pursuant to a warrant, note a	Yes, note d	Yes	No for official acts. Testimony may not be compelled in any case	No for official acts, yes otherwise, note a	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts, yes otherwise	No for official acts, yes otherwise	No immunity or inviolability note a
Consulate Employee	Yes, note a	Yes	Yes	No for official acts, yes otherwise	No for official acts, yes otherwise, note a	No immunity or inviolability, note a
Int'l Org Staff, note b	Yes, note c	Yes, note c	Yes	Yes, note c	No for official acts, yes otherwise, note c	No immunity or inviolability
Diplomatic Level staff of Missions to Int'l Org	No, note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Support Staff of Mission to Int'l Org	Yes	Yes	Yes	Yes	No for official acts, yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

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(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

413.2 POLICY

The Lincoln County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

413.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably possible, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

413.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Lincoln County Sheriff's Office relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

414.4 DETENTIONS

This office does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

A deputy who has reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may contact federal immigration officials to verify whether the alleged immigration violation is a federal civil violation or a federal criminal violation (ORS 181A.820(4)).

No individual who is otherwise authorized for release shall continue to be detained unless the office receives a warrant issued by a federal magistrate for the individual's arrest for a criminal violation of federal immigration laws prior to release.

A deputy may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

A deputy should notify a supervisor as soon as practicable whenever an individual is being arrested pursuant to a criminal immigration warrant. The supervisor should make arrangements to promptly transfer custody to federal immigration authorities.

414.4.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring,

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smuggling, terrorism), the fact that an individual is suspected of an immigration violation shall not be the sole basis for contact, detention or arrest (ORS 181A.820).

414.4.2 IMMIGRATION INQUIRIES PROHIBITED

A deputy shall not inquire into an individual's immigration status, citizenship status, or country of birth except where allowed by law (e.g., when the information is needed to further a local or state criminal investigation) (ORS 181A.823).

414.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, a deputy should ensure individuals who are detained receive an explanation in writing, with interpretation into another language if requested, of the following (ORS 181A.823):

(a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.

(b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

A deputy should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released shall continue to be detained solely for the purpose of notification.

414.6 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from, federal immigration officials

(b) Maintaining such information in office records

(c) Exchanging such information with any other federal, state, or local government entity

414.6.1 NON-DISCLOSURE OF CERTAIN INFORMATION

Except as required by state or federal law, members shall not disclose for the purpose of enforcement of federal immigration laws the following information about a person or their known relatives or associates, whether current or otherwise (ORS 180.805):

(a) The person's address

(b) The person's workplace or hours of work

(c) The person's school or school hours

(d) The person's contact information, including telephone number, email address, or social media account information

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(e) The identity of known associates or relatives of the person

(f) The date, time, or location of a person's hearings, proceedings, or appointments with the Office that are not matters of public record

414.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the supervisor assigned to oversee the handling of any related case. The supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (2019 Oregon Laws, c. 472, § 1).

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.7.1 DENIAL OF CERTIFICATION

If certification is denied, the Detective Division supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

414.7.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Detective Division supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

414.7.3 U VISA AND T VISA DOCUMENTATION

The Support Services supervisor shall collect written documentation regarding the number of certification forms that are (2019 Oregon Laws, c. 472, § 2):

(a) Requested by a victim.

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(b) Granted.

(c) Denied, with the reason for denial.

The Support Services supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the District Attorney's Office for annual reporting to the Oregon Criminal Justice Commission.

414.8 TRAINING

The Training Sergeant should ensure deputies receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Distinguishing administrative warrants, detainers, and requests for information from judicial warrants and subpoenas.

414.9 FEDERAL IMMIGRATION ENFORCEMENT REQUESTS AND DOCUMENTATION

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. Any requests from federal immigration officials for assistance relating to immigration enforcement (other than a judicial subpoena or a request related to the international extradition of a person to Oregon) shall be declined and the communication or request shall be documented. The documentation shall be forwarded to the Sheriff or the authorized designee. The Sheriff or the authorized designee should ensure the documentation is forwarded to the Oregon Criminal Justice Commission (OCJC) as prescribed by the OCJC (ORS 181A.826).

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Emergency Utility Service

415.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day.

415.1.1 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

415.1.2 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.3 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by Dispatch.

415.2 TRAFFIC SIGNAL MAINTENANCE

The Oregon Department of Transportation provides maintenance for all traffic signals within Sheriff's Office jurisdiction.

415.2.1 DEPUTY’S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Deputies have the responsibility address any hazard caused by malfunction of any inoperative or malfunctioning signal.

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Automated External Defibrillator

416.1 PURPOSE AND SCOPE

The protection and safety of the public are fundamental responsibilities of the Sheriff's Office. The emergence of Automated External Defibrillators (AED) allows members with additional training to provide lifesaving care not normally found in the law enforcement setting. The use of the AED clearly spells the difference between life and death in cases of cardiac arrest and this Department supports this concept. This policy provides direction for the use of the AED.

416.2 CERTIFICATION

(a) Before a member may use an AED, he/she must complete the following requirements:

1. Possess a current American Red Cross or American Heart Association CPR and AED certification.
2. Maintain a minimum first response level certification or CPR certification.

(b) Members with access to an AED shall certify every two years.

(c) The AED will only be used in strict compliance with the criteria set forth by the manufacturer.

(d) At no time will the responding members represent themselves as medically qualified to provide treatment beyond the scope of their certification.

416.3 PROCEDURE

(a) AEDs may be assigned strategically throughout the Sheriff's Office at locations or with personnel that afford the highest probability for use and not readily accessible by EMS.

(b) AEDs will be checked at the beginning of the member's shift to ensure proper operating condition, in accordance with the manufacturer's guidelines. If maintenance is required or the unit is not functioning properly, it will not be used until a licensed technician makes such corrections as are necessary. The member checking the unit will conduct no maintenance.

(c) After an AED has been used, the following will occur:

1. Inside the Correctional Facility:
    (a) The Incident Report and AED events printed report, if so equipped, shall be provided to the Corrections Health Team for review and to be included in the inmate patient medical record.
    (b) The Corrections Health Team will review the documents consistent with the National Commission on Correctional Health Care Standards for Health Services in Jails 2003.
2. Outside the Correctional Facility:

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(a) If used, the AED shall be given to the transporting medical unit so the information stored on the AED can be retrieved and utilized at any applicable medical facility.

3. The following documents will be forwarded to the EMS Program Coordinator.

(a) Incident Report;

(b) The event summary will be printed from the AED memory, if so equipped;

(c) The patient care report(s).

1. Reports from the EMS agency should be included.

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Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

417.4 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

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(b) Appropriate airport tower

(c) Emergency medical services (EMS)

417.5 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

417.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

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417.8 DOCUMENTATION

All aircraft accidents occurring within the County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of LCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

417.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

417.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Alarms

418.1 PURPOSE AND SCOPE

This policy describes situations involving alarms on residences and businesses including responsibilities of personnel, making proper notification, documentation, and to provide procedures and guidelines for response to alarms.

418.1.1 POLICY

It is the policy of this office to respond to manually-activated silent panic, duress, hold-up alarms, and verified alarms in a safe manner, giving consideration to the reasonable expectation of stopping a potential crime in progress. Response to non-verified alarms will be at the discretion of the deputy. Any discretionary alarm response will not be subject to civil penalties.

418.1.2 DEFINITIONS

Audible Alarm - An alarm which emits an audible sound (either through a siren or other sound-producing device) that is activated by entry into a residence, business or property.

Silent Alarm- Alarm in which there is no audible sound to alert an intruder making entry into a residence or business that an alarm has been activated thus prompting a response.

Duress Alarm or Panic Alarm- A manually-activated silent or audible alarm which, by its design or purpose, is meant to signal individual distress either for medical or other reasons requiring police response.

Hold Up Alarm- A silent alarm which, by its design, is meant to indicate a robbery in progress or other criminal activity, and is usually purposefully set off by an individual.

Emergency- The commission or attempted commission of a robbery, burglary, assault, or other criminal action requiring immediate police response.

R.P. or Responsible Person- The person, occupant, firm, partnership, association, company, or organization of any kind, that is in control of any building, structure, or facility, or any portion thereof, wherein an alarm system is maintained. The primary person designated by the alarm system contract holder to confirm the need for a police response.

Verified Alarm / Third Party Confirmation-Means: a video, audio/video confirmation by the alarm company, responding private security officer, Responsible Person (R.P.), confirmation from a witness, or other confirmation independent of the alarm signal that a crime has occurred or an emergency exists.

False Alarm- The activation of an alarm system which results in the arrival of police at an alarm site where an emergency (see E) does not exist or no crime has been committed.

418.2 PROCEDURE

Patrol deputies will respond to manually-activated silent panic, duress, and hold-up alarms regardless of third-party verification.

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False activations are subject to a civil penalty under Lincoln County Code (LCC) 7.765. Deputies will take a case number and route the report to the Records Division where the false activation will be processed.

If a deputy determines an alarm company or their employee provided false information to dispatch or a deputy (i.e. this is a duress alarm and it is actually an audible alarm), the deputy will take a case number and route the report to the Records Division where the false report will be processed for civil penalty under LCC 7.765.

If a deputy determines the alarm was intentionally activated when it is known that no emergency exists, the deputy should take enforcement action under ORS 162.375, "Initiating a False Report."

If a deputy determines an alarm subscriber or private security officer intentionally provided false information to dispatch or a deputy, causing the dispatcher or deputy to believe this is a verified response, the deputy will take a case number and route the report to the Records Division where the false activation will be processed for civil penalty under LCC 7.765.

418.2.1 VERIFIED ALARMS

Deputies will respond tactically to alarms with third party-verification as priority calls using the appropriate call designation (i.e., burg in progress, open door, etc) and alarm as the secondary incident.

418.2.2 NON-VERIFIED ALARMS

Non verified alarms are dispatched as "information only" and the deputy will have the discretion to respond or not. The decision to respond is based on location of alarm, call load, and any other circumstance that would justify a response.

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Field Training and Evaluation Program

419.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Lincoln County Sheriff's Office.

It is the policy of this Sheriff's Office to assign all new sheriff's deputies to a structured Field Training and Evaluation Program complies with DPSST training requirements and that is designed to prepare the new deputy to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

419.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral deputy deputies in the application of their previously acquired knowledge and skills.

419.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of three years of experience in that discipline, two of which shall be with this Sheriff's Office

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal selection process

(e) Evaluation by supervisors and current FTO's

(f) Possess a DPSST Basic Certificate

419.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete a Field Training Officer update course every three years while assigned to the position of FTO.

419.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The FTEP supervisor will be selected from the rank of sergeant or above by the Division Commander or his/her designee and shall possess a DPSST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conducting FTO meetings.

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(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTEP Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

419.4 TRAINEE DEFINED

Any entry level, transfer or lateral sheriff's deputy newly appointed to the Lincoln County Sheriff's Office

419.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 15 weeks.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of four weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

419.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Lincoln County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Sheriff.

419.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

419.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Observation Report (DORs) with the trainee each day.

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(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

419.6.2 FIELD TRAINING ADMINISTRATOR
The Field Training Progam Supervisor will review and approve the Daily Observation Reports submitted by the FTO.

419.6.3 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

419.7 DOCUMENTATION

All documentation of the Field Training and Evaluation Program will be retained and will consist of the following:

(a) Daily Observation Reports

(b) End of phase evaluations

(c) Supervisor's evaluation

(d) The completed Field Training Manual

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Obtaining Air Support

420.1 PURPOSE AND SCOPE

The use of a helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

420.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

If the event requiring helicopter assistance is a SAR mission, the event must organized through the Oregon Emergency Management (OEM) and must be requested by the SAR coordinator.

420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the supervisor, or his/her designee, will call the closest agency having helicopter support available. The supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

420.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

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Contacts and Temporary Detentions

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile/Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others (ORS 131.625).

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Stop - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed or is about to commit a crime (ORS 131.615).

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

421.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

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Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Lincoln County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

421.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in the area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the deputy.

421.3 FRISK OR PAT-DOWN SEARCHES

A frisk or pat-down search of a stopped person may be conducted whenever a deputy reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the deputy or other persons present (ORS 131.625). The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

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421.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

421.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

421.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

421.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures

If a photograph is not associated with an investigation where a case number has been issued, the Supervisor should review it and forward the photograph to one of the following locations:

(a) If the photo and associated FI or documentation is relevant to criminal organization/ enterprise enforcement, the Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Support Services Division.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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421.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

421.5 POLICY

The Lincoln County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

421.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Portable Breath Testing Equipment

422.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide procedures for deputies to comply with established practices and laws.

422.1.1 POLICY

It is the policy of this office to use Portable Alcohol Breath Testing Equipment in accordance with the law and established rules of evidence. Portable Breath Testing equipment cannot be used as evidence of a crime, but can be used in addition to other forms of physical tests and officer observations, to assist the deputy in making a determination that a person has consumed an alcoholic beverage.

422.2 PROCEDURE

Portable Alcohol Breath Testing Equipment is provided for deputies to administer breath tests in the field to determine if a person has consumed an alcoholic beverage, and an approximate Blood/Alcohol level. Because these devices are not certified by the State of Oregon, they are not considered evidence, and therefore the information derived from the use of these portable alcohol breath testers cannot be used in court.

The primary use of the Portable Alcohol Breath Testing Equipment is for investigating the use and/or possession of an alcoholic beverage by a minor. Deputies will not use the Portable Alcohol Breath Testing Equipment in DUII investigations, as this may cause confusion over a driver's legal responsibility to submit to a breath test.

Prior to using Portable Alcohol Breath Testing Equipment on an individual, the Deputy will first advise the person that they have no legal obligation to submit to the portable breath test. They will then request the person's consent prior to administering the test. Once a test is administered, the Deputy will record the fact that a Portable Alcohol Breath Test was given, and whether the test was positive or negative for a blood/alcohol level. The Deputy will not record the blood/alcohol level.

A Portable Alcohol Breath Test will never be administered when there is the likelihood that a search warrant will be sought for a person's blood sample in order to determine their blood/alcohol level.

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Criminal Organizations

423.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Lincoln County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system (CIS) - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

423.2 POLICY

The Lincoln County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

423.3 CRIMINAL INTELLIGENCE SYSTEMS

No member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for Sheriff's Office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

423.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Support Services Division. Any supporting documentation for an entry shall be retained by the Support Service Division in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Support Services Division are appropriately marked as intelligence information. The Support Services Director may not purge such documents without the approval of the designated supervisor.

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423.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

423.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Should not be originals that would ordinarily be retained by the Support Services Division or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, dispatch records or booking forms.

(b) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(c) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

423.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

423.5 INFORMATION RECOGNITION

Members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

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423.6 RELEASE OF INFORMATION

Members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to members and other law enforcement agencies on a need-to-know basis and consistent with the Records Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

423.7 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Mobile Data Computer Use

424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between members and Dispatch.

424.2 POLICY

Lincoln County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

424.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

424.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisor. .

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS rules and policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

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424.4.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.5 EQUIPMENT CONSIDERATIONS

424.5.1 MALFUNCTIONING MDC
Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the deputy radio.

424.5.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Mobile Video Recording Equipment (In-car video)

425.1 PURPOSE AND SCOPE

It is the policy of this office that the use of Mobile Video Recorder (MVR) technology to more effectively fulfull the Sheriff's Office mission and to ensure these systems are used securely and efficiently. The MVR is designed to assist and compliment deputies in the performance of their duties and will enhance deputy safety.

The purpose of this policy is to provide our deputies with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems. Deputies assigned a vehicle with MVR shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.

425.1.1 DEFINITIONS

In-Car Camera System and Mobile Video Recording (MVR) - These are synonymous terms and refer to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

Supervisor - A certified law enforcement Deputy or officer who is of the rank of sergeant or above, or is the designated Deputy or officer in charge.

425.1.2 RULES

(a) MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines, training, and policies.

(b) All deputies shall successfully complete an approved course of instruction prior to being deployed with MVR systems.

(c) Deputies shall not secretly audio record police personnel without their permission.

(d) Deputies shall not make additional copies of recordings obtained with the MVR for their own personal record, for distribution, or for any other use except evidentiary purposes.

1. A supervisor may approve a copy of a recording for training purposes if it is determined that there is no liability exposure to this office.

(e) MVR recordings are property of the Lincoln County Sheriff's Office.

(f) Deputies will not attempt to alter media from the MVR.

(g) Deputies will not alter any of the administrator settings on the MVR.

(h) All data will be stored for a minimum of six months.

425.2 PROCEDURE

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425.2.1 DEPUTY RESPONSIBILITY

(a) Inspection and general maintenance of MVR equipment installed in vehicles shall be the responsibility of the deputy assigned to the vehicle.

1. If the MVR equipment is malfunctioning, the deputy shall advise a supervisor.

(b) Prior to beginning each shift, the assigned deputy shall ensure that the MVR is performing within the manufacturer's recommendations covering the following matters:

1. Remote audio transmitter is functional.
2. Camera lens is free of debris and facing intended direction.
3. A storage device contains enough space for the shift.

425.3 MANDATORY RECORDATION

Once the MVR system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed.

(a) The following are situations requiring MVR recording:

1. Traffic Stops (to include, but not limited to traffic violations, motorist assistance and all crime interdiction stops)
2. Responding to a call using lights and/or siren
3. Vehicle pursuits
4. Prisoner transports
5. DUII investigations
6. Any situation or incident that the deputy, through training and experience, believes should be audibly and/or visually recorded
7. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping

425.3.1 ACTIVATION OF THE MVR

The MVR system remains on until turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded the video will also record. Whenever the audio portion is activated, deputies should, whenever possible, advise all persons present they are being recorded in accordance with ORS 165.540(5)(b).

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425.4 SAVING AN EVENT

The following situations require an event to be saved to Sheriff's Office approved storage as soon as possible after the event:

(a) When the event involves a crime.

1. Excluding events where the sole purpose for the MVR activation was for the prisoner transport and the MVR captured no pertinent information.

(b) When the deputy may require the video in court

(c) For training purposes with the approval of a supervisor

(d) Anytime the video is being submitted to evidence.

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Medical Marijuana

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Oregon's medical marijuana laws (ORS 475C.770 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Attending provider - A health care provider as defined by ORS 475C.777 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

Cardholder - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

Caregiver (or designated primary caregiver) - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a person's attending provider; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS 475C.777; ORS 475C.791; ORS 475C.786).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed and any other activities identified by the Oregon Department of Agriculture (ODA) by rule (ORS 571.269).

Medical use of marijuana - The production, processing, possession, delivery, or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition (ORS 475C.777).

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by the person's attending provider that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475C.889). This includes a person who has been issued a valid RIC for their medical condition (ORS 475C.783).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana and,

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if the person has a designated primary caregiver under ORS 475C.789, the person's designated primary caregiver (ORS 475C.777). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475C.792.

Statutory possession and grow site amounts - Amounts authorized by ORS 475C.806 and ORS 475C.809.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS 475C.777).

426.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Oregon medical marijuana laws are intended to protect patients and their doctors from criminal and civil penalties that may deter the use of small amounts of marijuana by those suffering from debilitating medical conditions (ORS 475C.770). However, Oregon's medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Lincoln County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the Office.

426.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations related to patient cardholders.

(c) Investigations related to patient non-cardholders.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation. A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

426.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Deputies shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Deputies shall not take enforcement action against a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession or grow site amounts (ORS 475C.883).

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Cardholders are required to carry their RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475C.812). However, deputies should treat a person without a RIC in their possession as if it were in their possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

426.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Deputies should not take enforcement action against a patient who does not have a RIC for possession, delivery, or production of marijuana, or any other criminal offense in which possession, delivery, or production of marijuana is an element, if the patient meets all of the following (ORS 475C.889):

(a) Is engaged in the medical use of marijuana

(b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Deputies should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession or grow site amounts; and the person's medical use claim appears genuine under the circumstances (ORS 475C.889).

426.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Grow sites are regulated in the following manner (ORS 475C.792):

1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.
2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.

(b) A deputy who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of plants (ORS 475C.806).

(c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Any other relevant factors exist, such as limited available office resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites, deputies should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor and Cannabis Commission (ORS 475C.137; ORS 475C.806).

(e) Registration or proof of registration under ORS 475C.770 to ORS 475C.919 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475C.894).

(f) As a licensing authority, the Oregon Liquor and Cannabis Commission may assist with related questions regarding recreational marijuana (ORS 475C.065).

426.3.5 EXCEPTIONS

Medical marijuana users are generally not exempt from other criminal laws, and deputies should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Deputies may take enforcement action if the person (ORS 475C.886):

(a) Drives under the influence of marijuana as provided in ORS 813.010.

(b) Engages in the medical use of marijuana in a place where the general public has access (ORS 161.015), in public view, in a correctional facility (ORS 162.135(2)), or in a youth correction facility (ORS 162.135(6)).

(c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.

(d) Delivers marijuana to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If a deputy knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS 475C.005 to ORS 475C.525), the deputy shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS 475C.413).

426.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be licensed with the ODA to grow or handle industrial hemp or produce agricultural hemp seed. Growers and handlers who produce seed products incapable of germination are not required to be licensed with the ODA (ORS 571.281). Deputies may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

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426.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

426.5 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Evidence Room supervisor shall ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not harmed, neglected, injured or destroyed while in the possession of a law enforcement agency, except that a law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. (ORS 475C.894).

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor shall immediately return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property (ORS 475C.894).

The Evidence Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Division supervisor.

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Foot Pursuits

427.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

427.2 DECISION TO PURSUE

The safety of office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and office members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, deputies should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

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427.3 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) The deputy is acting alone.

(c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of his/her location and direction of travel.

(e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.

(f) The physical condition of the deputy renders them incapable of controlling the suspect if apprehended.

(g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of his/her firearm or other essential equipment.

(l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to office members or the public if the suspect is not immediately apprehended.

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(o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

427.4 RESPONSIBILITIES IN FOOT PURSUITS

427.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputies unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of the deputy's location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects, or members of the public.

427.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

Any deputies who are in a position to intercept a fleeing suspect, or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with office policy, based upon available information and his/her own observations.

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427.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

427.4.4 DISPATCH RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved deputies.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Assigning an incident number and logging all pursuit activities.

427.5 REPORTING REQUIREMENTS

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and deputies.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Any injuries and/or medical treatment.

(h) Any property or equipment damage.

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(i) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

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Bicycle Patrol

428.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office has established Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

428.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Sheriff's Office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through a supervisor.

428.3 TRAINING

Deputies will receive Sheriff's Office-approved bicycle patrol training prior to operating a bicycle. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol deputies will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

428.4 DEPUTY RESPONSIBILITY

Deputies must operate the bicycle in compliance with the Oregon Revised Statutes. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

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Mobile Data Computers

428.1 PURPOSE AND SCOPE

Mobile Data Computers (MDC) are provided as a useful tool in the dissemination of vital information to deputies while in the performance fo their assigned duties.

MDC's will be used to receive and relay calls for service, non-voice communication between field units, between dispatch and field units, and electronic messages related to law enforcement business.

428.1.1 POLICY

It is the policy of this Office that county owned mobile Data Computers will be used for official law enforcement business only. All communications via the MDC will be professional and conducted in a business-like manner. The transmission of sexist, racist, vulgar, derogatory, ir discriminatory messages is strictly prohibited. Nothing in this policy is intended to prohibit or limit the employee from making safety conscious decisions. If there is a compromise of safety in a particular situation related to the use of the MDC, employees are expected to use voice communications. The MDC is a job enhancement tool and is not intended to replace all voice communications

428.1.2 DEFINITIONS

LINCS - Lincoln Interagency Networked Computer System (LINCS) is the primary Records Management System for the Lincoln County Sheriffs Office, the Newport Police Department, and the Siletz Tribal Police Department and incorporates wireless access to the Computer Aided Dispatch system at the communications center.

MDC Messaging - Any message sent or received from one computer to another, such as car-to car, car to communications center, communications center to car, office computer to car or interface with LEDS.

Priority 1 Calls - Urgent, in progress, must be handled immediately, involving incidents that are life threatening.

Priority 2 Calls - In progress incidents where there is the potential for injury or involves a major property crime.

Priority 3 Calls - Incidents that do not involve an immediate danger to person or property.

Priority 4 Calls - All other reported incidents that are routine in nature.

428.2 RULES GOVERNING MDC OPERATION

The MDC is intended to enhance the effectiveness of field units and to minimize voice communications therefore allowing unfettered communication of priority traffic. Whenever reasonable and possible the MDC should be used by deputies in routine situations. Deputies are responsible for monitoring the pending events so that low priority calls are handled in a timely manner.

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(a) MDC as Public Record

(b) MDC messages, LINCS (Lincoln Interagency Networked Computer System) messages, CAD (Computer Aided Dispatch) messages and CAD calls may be public record.

1. MDC messages are logged by the LINCS system, including sender and receive information, and are archived as public record and available to the public.
2. Any request for information that could be considered a public record should be referred to the Records Division or communications center.
    (a) This does not preclude a field user from using information provided by the MDC to satisfy legitimate law enforcement purposes.

(c) All MDC users shall complete required training on the MDC system prior to receiving a password to use the system.

(d) No other software will be installed onto the MDC terminal without authorization from a supervisor and the system administrator.

428.3 PROCEDURES

428.3.1 MDC LOG-ON, OPERATION, LEDS/NCIC QUERIES

(a) Deputies should bear in mind that their first priority is operating their patrol vehicle in a safe and prudent manner. Deputies should avoid multiple keystroke entries while the vehicle is moving. This does not preclude a passenger Deputy from entering information into the MDC while the vehicle is in motion.

1. At the beginning of each duty shift and prior to briefing, the supervisor or senior deputy, in the absence of a supervisor, will cal the communications center and advise the names of on duty Deputies and their assigned patrol districts.
2. After briefing, the each Deputy will log into the MDC using their assigned name and password.
3. At the conclusion of the assigned shift, the Deputy will make sure that he/she is logged out of the system.
4. Upon logging onto the MDC, and during his/her shift, a Deputy should view the MDC for assigned calls pertinent to themselves or activities of other field units that might be relevant to field activities.

(b) Traffic Stops

1. Traffic stops will be conducted via voice communication. Activities such as field interviews (FI), ordinance violations, potential enforcement actions or other activity where an event or case number will be generated shall be done by voice communications.

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(a) Exceptions include unit status changes (i.e. enroute to calls, clearing from calls, clearing from self initiated activities). These may be conducted via the MDC, consistent with officer safety and safe vehicle operation.

(c) Self-Initiated Activities

(a) If time and circumstances permit and the MDC can be safely used, self-initiated activities and field contacts may be conducted via the MDC.

(a) If the dispatcher or a field unit believes there are safety issues involved, voice radio communications are appropriate.

(b) Routine activities such as breaks, lunch, or non-emergent contacts should be conducted via the MDC.

(c) Deputies may occasionally make general information requests to dispatch via the MDC. However, these requests are viewed as general information requests and unless otherwise flagged will be handled on a low priority basis.

(d) Deputies are allowed to write their police reports, or make notes to CAD entries, via the MDC, consistent with officer safety. However, Deputies are encouraged to write lengthy reports at the satellite office in their district.

(b) LEDS/NCIC Queries

(a) Data received and sent via the MDC is subject to all the security restrictions that apply to LEDS (Law Enforcement Data System).

(a) All personnel accessing LEDS via MDC shall obtain a minimum inquiry level certification from LEDS prior to generating any LEDS transactions.

(b) When a Deputy receives a warrant hit, stolen articles or guns, the Deputy will verbally notify the communications center of the situation and if a cover unit is needed.

(a) The communications center will dispatch the appropriate cover unit. The deputy will also advise the communications center if confirmation is needed.

(c) When a Deputy receives a stolen vehicle hit via the MDC the Deputy will provide the communications center with their location, the license plate, description of the vehicle, whether or not the vehicle in occupied, and if the vehicle is mobile or parked.

(a) The communicatiosn center will run the plate and confirm stolen status.

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(d) Any LEDS reporting requirements, which are the result of a field unit MDC inquiry involving corrections offenders, sex offenders or gang member hits, will be the responsibility of the communications center;

(a) Unless the Deputy responds to the LEDS requirement via the MDC according to LEDS regulations.

(b) The Deputy will provide the communications center with the necessary information for handling the notification.

428.3.2 CAD, LINCS AND CAR-TO-CAR MESSAGING

(a) MDC messaging, CAD messages, CAD calls and CAD access via LINCS shall have a reasonable communicative purpose and must be authored in a professional business-like manner, which would be considered acceptable as public record.

1. Non-urgent communications to the communicatiosn center or car-to-car are permitted only after the needs of the citizens, members and co-workers are met and content is in keeping with the professionalism dictated by Sheriff's Office policies.

2. Communications shall not be used to harass, annoy or alarm any recipient or third party.

3. Communications shall not contain language, acronyms or symbols representing language that would be considered offensive or obscene to a reasonable person.

4. Content of any communication shall not bring discredit to any public safety employee (including coworkers) or the public safety agency.

5. Content shall not bring unwarranted discredit to a member of the public.

6. Communications shall not contain any home address or telephone number of law enforcement personnel unless that employee has given express permission to transmit the information.

7. Communications shall not contain any slanderous statements toward any group, organization or individual.

(b) In the event that an MDC fails or the entire system fails, Deputies will revert to voice communications until such time as the system or unit is brought back on line.

(c) All unit or system failures shall be reported to a supervisor at the earliest opportunity. The MDC will ordinarily be left secured in the vehicle to which it is assigned.

1. In instances where the MDC fails, the vehicle will be placed out of service and reported as with any other vehicle maintenance problem.

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428.3.3 DISPATCHING CALLS FOR SERVICE

(a) The following procedure for dispatching of police calls for service are guidelines and are not meant to replace good judgment.

1. When a call that would normally be dispatched by MDC only contains details, which would warrant additional voice dispatch, voice dispatch will be provided.

    (a) All calls that may involve officer safety information will be dispatched by voice regardless of priority.

(b) Supervisors are responsible for reviewing pending calls in CAD via their MDC. Should the supervisor have instructions for dispatch on how the call should be handled, they will notify dispatch by MDC or voice communication.

(c) Deputies will follow department protocol for handling calls as a primary unit or cover unit. Deputies are expected to remain in assigned districts and handle calls within the district unless otherwise directed by a supervisor.

(d) All Priority 1 and Priority 2 calls will be dispatched via the MDC with simultaneous voice broadcast.

(a) When a Deputy notifies the communications center that he/she is en route by voice communication, the communications center will acknowledge the Deputy by voice communication and enter the information into CAD.

(b) When a Deputy notifies the communications center that he/she is en route by MDC, the communications center will acknowledge the Deputy by voice communication.

(c) When a Deputy notifies the communications center of his/her arrival on scene by voice communication, the communications center will acknowledge the Deputy by voice communication and enter the unit on scene into CAD.

(d) When a Deputy notifies the communications center of his/her arrival on scene via MDC, the communications center will acknowledge by voice communication.

(e) The Deputy will request a case number prior to clearing the call.

(e) Priority 3 calls will be dispatched via the MDC with a short broadcast over the air announcing the dispatch. For example;

(a) "Unit (radio number) dispatched by MDC to a cold assault".

(a) The Deputy should verbally acknowledge the announcement.

(b) When the Deputy places him/herself enroute, the call is considered acknowledged.

(c) The Deputy will be responsible for placing him/herself enroute and arrived, unless unable to do so.

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(d) If a case number is required the Deputy will notify the communications center prior to clearing the call.

(f) Priority 4 calls will be dispatched via MDC and confirmed by the communications center via voice communication.

1. The Deputy will be responsible for placing themselves enroute and arrived, unless unable to do so.
2. If a case number is required, the deputy will notify the communications center prior to clearing the call.

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Homeless Persons

429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Lincoln County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Lincoln County Sheriff's Office will address these needs in balance with the overall missions of this office. Deputies will consider the following policy sections when serving the homeless community.

429.1.1 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

429.2 LIAISON TO THE HOMELESS COMMUNITY

The Sheriff shall designate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include but are not limited to:

(a) Maintaining and making available to all office members a list of assistance programs and other resources that are available to homeless persons.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.

(c) Maintaining a list of the areas within and near the jurisdiction of this office that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with homelessness, including property rights. This includes the following:

1. Proper posting of notices of trespass and cleanup operations.
2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Being present during any cleanup operation conducted by this office that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.

(f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

(g) Reviewing any county policies regarding homeless individuals camping on public property (ORS 195.500).

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429.3 FIELD CONTACTS

Deputies are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Deputies also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

429.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, deputies should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

(f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

429.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee’s personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a

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supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the office Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

429.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a county policy, any unclaimed personal property stored by this office shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 195.505).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to office protocols and the Property and Evidence Policy.

429.5 MENTAL HEALTH ISSUES

When mental health issues are evident, deputies should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Deputies should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

429.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or County departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

429.7 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, deputies shall (ORS 195.505):

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(a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 195.505 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).

1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).

(b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if deputies reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 195.505).

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Public Recording of Law Enforcement Activity

430.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

430.2 POLICY

The Lincoln County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

430.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (ORS 165.540).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

430.4 OFFICER/DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

430.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of members, such as how and where to file a complaint.

430.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless ("First Amendment Privacy Protection, Unlawful Acts", 42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

431.2 POLICY

The Lincoln County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

431.3 RESPONSIBILITIES

The Patrol Division Commander and authorized designees will manage all Suspicious activity investigations. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence gathering.

The responsibilities of the Patrol Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.

(e) Ensuring that suspicious activity report information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

431.4 REPORTING AND INVESTIGATION

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any Non-certified member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare an information report and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a report and not included in the original incident report. The report number of the original incident should be included in the original suspicious activity report as a cross reference and should be processed as any other incident report.

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Crisis Intervention Incidents

432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

432.2 POLICY

The Lincoln County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

432.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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432.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

432.5 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.

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- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

432.6 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous deputy response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

432.7 SUPERVISOR RESPONSIBILITIES

If available, a supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

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432.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to reporting procedures or other official mental health or medical proceedings.

432.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

432.9 NON-CERTIFIED INTERACTION WITH PEOPLE IN CRISIS

Non-Certified members may be required to interact with persons in crisis in an administrative capacity, such as records requests, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

432.10 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide training to members to enable them to effectively interact with persons in crisis.

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First Amendment Assemblies

433.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

433.2 POLICY

The Lincoln County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

433.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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433.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

433.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

433.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

433.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

433.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles, and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

1. The plan shall include deputy identifiers affixed to the uniform and helmet that comply with ORS 181A.702.

    (a) A deputy shall not intentionally obscure any part of a uniform or helmet identifier.

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with County government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

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(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

433.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

433.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

433.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should

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be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

433.8 ARRESTS

The Lincoln County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

433.9 MEDIA RELATIONS

A supervisor should use all available avenues of communication, including news releases, briefings, news conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

433.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

433.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any assignment logs

(c) Incident, arrest, use of force, injury and property damage reports

(d) Photographs, audio/video recordings, Dispatch records/tapes

(e) Media accounts (print and broadcast media)

433.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

433.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

433.13 PUBLIC REQUEST OF DEPUTY IDENTIFICATION

Deputies shall provide their name, identification number, or unique identifier assigned by the Office to a person when requested if it is practical, safe, and tactically sound to do so at the time of request (ORS 181A.704).

The request may be satisfied by providing a office-issued business card.

433.13.1 INVESTIGATION OF DEPUTY IDENTIFICATION

Upon request by a member of the public, the Office shall conduct an investigation to identify a deputy as follows (ORS 181A.704):

The member of the public has provided the following:

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- The member of the public has provided the following:
    - A partial name
    - A full or partial badge number, or other identifying number
    - A photo of the deputy
    - A full or partial license plate, or other identifying number from a deputy vehicle
    - A physical description
    - The location, date, and time when the deputy was present

Within seven days of receiving the request, the office shall confirm to the requester receipt of the request.

- Within 14 days after receiving the request, the office shall provide the requester:
    - The name and the number assigned to the deputy by the Department of Public Safety Standards and Training; or
    - An explanation of why the identification could not be performed.
- If the requester provided a full badge number, the office shall provide the name of the deputy within 14 days after receiving the request.

Identification shall not be provided if the deputy is participating in an undercover law enforcement operation (ORS 181A.704).

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Civil Disputes

434.1 PURPOSE AND SCOPE

This policy provides members of the Lincoln County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Oregon law.

434.2 POLICY

The Lincoln County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

Deputies will only respond to child custody or household dissolution disputes where there is an in progress threat to the personal safety of the person(s) involved.

434.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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434.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

434.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

434.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

434.7 CIVIL STANDBYS

Deputies will not provide a civil standby without a court order. There is no statutory authority to do a civil standby without a court order. Examples of court orders would include a restraining order, writ of assistance, order of assistance, etc.

Deputies will not provide legal advice in regards to what type of court order is required.

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Medical Aid and Response

435.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

435.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

435.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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435.3.1 LICENSED EMS PROVIDER RESPONSE PROTOCOL

Certified members who possess one of the following EMS Provider Licenses issued by the Oregon Health Authority's (OHA) Emergency Medical Services and Trauma Systems Program may provide emergency patient care under certain circumstances. A certified member possessing an EMS Provider License may render care authorized and defined by their scope of practice.

(a) Emergency Medical Responders (EMR)

(b) Emergency Medical Technicians (EMT)

(c) Advanced EMT (AEMT)

(d) EMT-Intermediate (EMT-I)

(e) Paramedics

A certified member possessing an EMS Provider License may render advanced level patient care as defined by their certification when arrival of EMS response agencies is delayed. Upon arrival of certified EMS responders, members shall transfer patient care to EMS responders of equal or higher licensure and only continue assisting at their direction.

Members who possess an EMS Provider License must complete all training and certification required by the OHA Medical Services and Trauma Systems Program to maintain their license. Members must provide the Training Sergeant with proof of their renewal upon each re-licensure as required by OHA. Proof of licensure will be maintained in their training file.

435.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

435.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

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In cases where mental illness may be a factor, the deputy should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

435.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

435.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

One member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft’s tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

435.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a course with published standards and guidelines for CPR and the use of an AED.

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435.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

435.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

435.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

435.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocols specified by the physician who prescribed the overdose medication for use by the member.

435.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

When an on duty employee comes into contact with a person who presents signs and symptoms of an opiate overdose, the employee may administer an opioid overdose medication such as Naloxone (Narcan) if available. Any member who administers an opioid overdose medication should contact dispatch as soon as possible and request response by EMS.

Members who are qualified to administer opioid overdose medication should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

435.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report. The report will include the name and contact information for the person, what they overdosed on, the time medication was administered, and any witnesses present at the time of incident. A copy of the report should be forwarded to the training sergeant for review.

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The Training Sergeant will ensure the Support Services Director is provided enough information to meet applicable state reporting requirements.

435.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication.

435.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy’s training.

435.11 ADMINISTRATION OF EPINEPHRINE

In an emergency situation when a licensed health care professional is not immediately available, members who have successfully completed educational training for severe allergic responses may administer epinephrine (ORS 433.825).

435.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

435.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

435.11.3 EPINEPHRINE TRAINING

The Training Sergeant should ensure that training is provided to members authorized to administer epinephrine (ORS 433.815; ORS 433.817; OAR 333-055-0030).

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435.12 FIRST AID TRAINING

Subject to available resources, the Training Sergeant should ensure deputies receive periodic first aid training appropriate for their position.

435.13 MEDICAL ATTENTION FOR RESTRAINED PERSONS

When a deputy encounters a restrained person suffering a respiratory or cardiac compromise, the deputy shall request EMS services immediately if (ORS 133.518):

(a) It is tactically feasible to make the request.

(b) The deputy has access to communications.

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Automated License Plate Readers (ALPRs)

436.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of automated license plate reader (ALPR) technology.

436.1.1 DEFINITIONS

Definitions related to this policy include (2026 Oregon S.B. 1516, § 3):

Automated license plate recognition system (ALPR system) - One or more high-speed cameras combined with computer algorithms used to convert images of license plates or other vehicle characteristics into computer-readable data. It does not include a photo red light camera as described in ORS 810.434 (mounted cameras) when used for traffic enforcement, or a photo radar unit when used for enforcement of speed limits.

Hot list - A database that identifies vehicles used to facilitate the commission of a crime or violation or to avoid apprehension for commission of a crime, or that are associated with a missing or endangered person.

436.2 ADMINISTRATION

ALPR technology, also known as license plate recognition (LPR), allows for the automated detection of license plates. It is used by the Lincoln County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of the ALPR system, as well as ALPR data retention and access, shall be managed by the AdministrationDivision Commander. The AdministrationDivision Commander will assign personnel under their command to administer the day-to-day operation of the ALPR system and data.

436.2.1 ALPR ADMINISTRATOR

The AdministrationDivision Commander is responsible for developing guidelines and procedures to comply with the requirements of 2026 Oregon S.B. 1516, § 3 through § 9. Such procedures include but are not limited to:

(a) Training requirements for authorized users, including deployment, use, and security of the ALPR system and data.

(b) Authorized uses of the ALPR system and data.

(c) Comparing ALPR data with certain records and databases identified in 2026 Oregon S.B. 1516, § 4.

(d) Security of the ALPR system and data, including rules governing access to the system and data.

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(e) Requiring that information contained in any hot list is accurate, relevant, timely, and complete.

(f) Data sharing (e.g., access and limitations).

(g) Working with the Support Services Director regarding the retention and destruction of ALPR data.

(h) Working with the Sheriff regarding the oversight of all contracts with a third-party vendor, including compliance with Oregon law, Lincoln County Sheriff's Office ownership of ALPR data, access to ALPR data, encryption of ALPR data, compliance with the Federal Bureau of Investigation Criminal Justice Information Service Security Policy and addendums, audit rights, prompt notification of security breaches, liability, and misuse and improper release of ALPR data (2026 Oregon S.B. 1516, § 7).

(i) Conducting internal ALPR system audits and reviewing vendor audits.

1. Vendor audits shall be published on the office website within two days of receipt, if the vendor does not provide direct public access to the results of the audit within two days of completion (2026 Oregon S.B. 1516, § 6).

2. Audit results published by the Office or provided to the public by a vendor must be in accordance with ORS 192.345 (44)(a) (exemption from public disclosure).

(j) Publishing this policy and related procedures on the office website.

436.3 OPERATION

Use of the ALPR system is restricted to the purposes outlined below. Office personnel shall not use, or allow others to use, the system or data for any unauthorized purpose.

(a) No member of this office shall operate the ALPR system or access ALPR data without first completing office-approved training.

(b) The ALPR system shall only be used for official and legitimate law enforcement business.

(c) The ALPR system may be used in conjunction with any routine patrol operation or official office investigation. Reasonable suspicion or probable cause is not required before using the ALPR system.

(d) While the ALPR system may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

436.3.1 PERMITTED USE

The ALPR system or data may be used for the following purposes (2026 Oregon S.B. 1516, § 4):

(a) Identifying a vehicle that was used to facilitate the commission of a crime or used to avoid apprehension for commission of a crime:

1. Under Oregon law.

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2. In another state or jurisdiction that is substantially equivalent to a crime under Oregon law.
3. Under federal law and the use of the ALPR system or data is not contrary to ORS 24.500 (reproductive health care or gender-affirming treatment) or any other Oregon law restricting the use of public resources for prohibited enforcement activities including ORS 181A.250 (political, religious, social views, associations), ORS 181A.820 (enforcement of federal immigration laws), and ORS 181A.826 (use of public resources for immigration enforcement).

(b) Identifying a vehicle that was used to facilitate the commission of a violation described in ORS 153.008, excluding a traffic violation as defined in ORS 801.557.

(c) Identifying a vehicle that is registered to a person for whom there is an outstanding criminal warrant for arrest if the warrant is:

1. For a crime under Oregon law.
2. For a crime that, if committed in another state or jurisdiction, is substantially equivalent to a crime under Oregon law.
3. A federal judicial warrant for arrest and the use is not contrary to ORS 24.500 or any other Oregon law restricting the use of public resources for prohibited enforcement activities including ORS 181A.250, ORS 181A.820, and ORS 181A.826.

(d) Identifying a vehicle that is associated with a missing or endangered person including a person who is the subject of an AMBER Alert or Silver Alert.

(e) Identifying an uninsured vehicle as defined in ORS 742.504.

(f) Identifying a vehicle that is not registered as required under the Oregon Vehicle Code.

(g) Regulating the use of parking facilities.

(h) Controlling access to secured areas.

Prior to a deputy conducting a traffic stop of a driver of a motor vehicle based on an ALPR alert, the deputy shall visually confirm that the vehicle's license plate number, issuing state, and other vehicle characteristics match the alert and that the traffic stop complies with office policy and applicable law (2026 Oregon S.B. 1516, § 4).

A request by a member to access captured license plate data collected by a private person or entity or non-law enforcement agency for a law enforcement purpose should be approved by a supervisor prior to access (2026 Oregon S.B. 1516, § 4).

436.3.2 HOT LISTS

Authorized users who add a license plate number, vehicle description, or other entry to a hot list shall include in the entry (2026 Oregon S.B. 1516, § 4):

(a) The specific law enforcement purpose for the entry.

(b) The name of the member who added the entry.

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(c) If added on behalf of another member of the Office, the name of the other member.

436.3.3 SEARCH ENTRY LOG

A search entry log shall be maintained for searches relating to captured license plate data collected by the ALPR system.

When a member of this office searches ALPR data, they shall include the following information in the search entry log (2026 Oregon S.B. 1516, § 4):

(a) User identification of the person conducting the search

(b) The name of the Office

(c) The search terms used

(d) The date and time of the search

(e) Any applicable case or reference numbers

(f) The law enforcement purpose of the search

(g) If the search is related to an investigation of a crime or violation, the specific type of crime or violation being investigated

436.4 DATA COLLECTION AND RETENTION

The AdministrationDivision Commander is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in office vehicles to the office server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for no more than 30 days after the ALPR data is collected unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. ALPR data related to a court proceeding or ongoing criminal investigations may be retained for the same period of time that evidence is retained in the normal course of the court's business. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence (2026 Oregon S.B. 1516, § 4).

436.5 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Lincoln County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

(a) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or office-related civil or administrative action.

(c) Internal ALPR system audits should be conducted on a regular basis.

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436.6 RELEASING ALPR DATA

ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the AdministrationDivision Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

(d) Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

436.6.1 DATA SHARING LIMITATIONS

The Office shall not provide access to ALPR data to any federal or out-of-state governmental entity or agency except as provided by 2026 Oregon S.B. 1516, § 3 through § 9. ALPR data shared or released shall be limited to data relevant to a legitimate law enforcement purpose and may not include unrestricted or ongoing access to the ALPR system or data. When ALPR data is provided, the following information must be included in the search entry log (2026 Oregon S.B. 1516, § 5):

(a) The information required by 2026 Oregon S.B. 1516, § 4(5)

(b) The government agency or entity requesting the data

(c) The number of cameras or devices that were accessed or used as part of the search

436.7 POLICY

The policy of the Lincoln County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR system are for the official use of this office.

Because such data may contain confidential information, it is not open to public review except in limited conditions (e.g., contents of an audit).

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Lincoln County Sheriff's Office. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of trafic crash causing violations during high crash hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating a deputy's overall performance. The visibility and quality of a deputy’s work effort will be commensurate with the philosophy of this policy. Deputies attempting to enforce traffic laws shall be in Lincoln County Sheriff's Office uniform or shall conspicuously display an official identification card showing the deputy's lawful authority (ORS 810.400). Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Deputies at the scene of a traffic accident and, based upon the deputy's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense (ORS 810.410(4)).

500.3.3 PHYSICAL ARREST
Deputies may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

(a) Driving Under the Influence of Intoxicants

(b) Fail to Perform Duties of Driver

(c) Attempting to Elude

(d) Reckless Driving with extenuating circumstances

(e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation

500.4 OREGON CAR CARE PROGRAM
The Oregon Car Care Program (OCCP) assists motorists stopped for minor vehicle equipment violations. The OCCP provides vouchers for discounted auto parts at participating retail stores with the intent of assisting motorists with fixing broken or malfunctioning equipment. The OCCP is sponsored by the Oregon State Police and dispersed through the Oregon State Sheriff's Association to Oregon Sheriffs.

Supervisors will maintain and distribute OCCP vouchers to deputies for use in the field while performing traffic enforcement duties. The following Oregon Revised Statute traffic violations qualify for issuance of an OCCP voucher:

- 816.330 - Operation without required lighting equipment

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- 816.300 - Operate with nonstandard lighting equipment
- 815.215 - Failure to have windshield wipers
- 815.185 - Operation without proper fenders or mudguards
- 815.020 - Operation of unsafe vehicle
- 815.235 - Operation without rearview mirror
- 811.507 - Operating motor vehicle while using a mobile electronic device

500.4.1 VOUCHER ISSUANCE PROCEDURE

Deputies will explain to qualifying motorists that the Sheriff's Office participates in the Oregon Car Care Program to assist motorists that are stopped for minor motor vehicle equipment violations. Explanation should include the intent of the program is to improve highway safety and help individuals and families comply with the law. Deputies should explain the vouchers provide a discount at participating retail stores to purchase item(s) needed to fix the violation. Motorists should be directed to visit the website listed on their voucher to find a participating retailer.

When a voucher is issued to a motorists, deputies will note the following:

- Voucher Number
- Date Issued
- Driver Information
- Vehicle Registration Number
- Equipment in Need of Repair, e.g. - headlight

500.4.2 RULES

Deputies should make every effort to distribute OCCP vouchers to qualifying motorists. Except as outlined below, vouchers may be offered to motorists stopped for a qualifying violation listed above or any other similar minor motor vehicle equipment violation. Vouchers should be distributed in a fair and equitable manner.

(a) Vouchers shall not be used for personal gain or knowingly provided to deputies or members of deputies' immediate family.

500.4.3 REPORTING AND RECORDATION OF OCCP VOUCHER RECEIPT AND DISTRIBUTION

Upon receipt of OCCP vouchers from the Oregon State Sheriff's Association, the supervisor will be required to sign a "Voucher Receipt" and return it to OSSA within 3 business days. The supervisor will then distribute vouchers to deputies and document the following:

- Voucher Numbers, e.g. E15001-E15025
- Employee Name they are issued to
- Issuing Supervisor Name

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- Date Issued

Issuance of Vouchers - It is recognized OCCP vouchers have a monetary value and require tracking. All vouchers issued to qualifying motorists will be recorded in a database and readily available upon request for voucher verification.

500.5 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to ORS 810.410.

Deputies should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

500.6 HIGH-VISIBILITY VESTS

The Lincoln County Sheriff's Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; OAR 437-002-0134).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, [officers/deputies] should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

A high-visibility vest shall be maintained in the trunk of each patrol, administrative, and investigation unit. Each vest should be stored in a way to protect and maintain the vest in a

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serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. A supervisor should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.7 SPEED MEASURING DEVICE

Speed Measuring devices shall be used in a manner to create appropriate motorist speed awareness, speed violation deterrent and provide speed data for speed enforcement, which will reduce speeding violations and collisions. The following operating and maintenance guidelines should be followed when using speed measuring devices:

A. All speed measuring devices used by the Agency shall comply with local, state, and federal regulations, and shall meet the specifications of the U.S. Department of Transportation, National Highway Traffic Safety Administration. They shall bear the appropriate Lincoln County Sheriff's Office markings and/or decals.

B. Speed measuring devices shall be checked for accuracy, according to manufacturer specifications, at the beginning and end of each enforcement action or duty shift. Officers shall demonstrate proper testing and operational procedures prior to using devices. Proper and required RADAR unit testing includes internal and external testing utilizing tuning forks for the unit.LIDAR testing requires external testing according to the device specifications.

C. All speed measuring devices shall be kept in good working order. Any device found to not be functioning properly shall be removed from service and a supervisor shall be notified for resolution.

D. All speed measuring device operators shall be trained to properly set up to test, and operate the device used.

E. When a speed measuring device is used for enforcement, deputies are required to utilize the target tracking history. The target tracking history is developed on each violator vehicle by:

(a) Developing an estimated speed of the vehicle through visual observation, and

(b) Confirming the speed of the vehicle using the speed measuring device, and

(c) Hear a clear audible tone consistent with the previous observations

F. The Lincoln County Sheriff's Office speed display trailer(s), Speed Awareness Monitor (SAM), and other stationary speed display signs shall be used in locations where speed enforcement is a concern or in areas where speed education is desired.

(a) When deploying the SAM, members shall take into consideration potential hazards to vehicular, bicycle, and pedestrian traffic. The SAM will not be deployed or left deployed during strong wind or severe weather conditions.

(b) The SAM shall be properly configured before moving and properly secured when deployed, utilizing the furnished combination padlocks on all five lock locations and

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wheel lock device. When the SAM is not in use it will be stored and maintained at the SAR facility. Storage of the trailer includes charging the battery.

(c) Members deploying the SAM shall be properly trained in the deployment and use of the SAM including data collection. Members deploying the SAM shall ensure that the unit is functioning properly and that the appropriate signage, if applicable, is posted at the time of deployment.

(d) The SAM may not be used for traffic enforcement.

(e) Data collected by the SAM may be utilized to identify areas for the selective enforcement of speed violations. General information obtained from the SAM can be made public to interested groups, on a need-to-know basis when such knowledge benefits driver education and safety. Specific data collection from the SAM maybe obtained via public records request.

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High Risk Traffic Stops

501.1 PURPOSE AND SCOPE

The inherent risk in effecting a stop is increased when there is a known element of danger to the Deputy or the public because of the vehicle's occupant(s). In these situations, the Deputy(s) must exercise additional caution to minimize the potential negative outcomes of such a contact. The guidelines in the policy may assist in conducting such a stop.

501.2 RULES

(a) Whenever there is advanced knowledge, or a good reason to suspect that the vehicle which is to be stopped is stolen or contains a fugitive, felon, or other dangerous person, the Deputy shall immediately inform dispatch, giving the Deputy's location, direction of travel, speed, description of the suspect vehicle, including vehicle license, and number of occupants.

(b) Should the Deputy have to leave the vicinity of the patrol vehicle, it should be secured by locking the doors.

(c) Handcuffs should be applied in all custody arrests, unless circumstances and good judgment dictate otherwise.

(d) When effecting an arrest, suspects should not be searched until handcuffs are applied.

(e) After a suspect has been placed into custody, the subject must be searched before they are transported.

(f) If patrol vehicles are equipped with cages, the cage window will be locked any time a prisoner is placed in the rear seat.

(g) Persons detained who are not under arrest should be "patted down" to ensure they are not in possession of a weapon, which could pose a threat to the deputy or another.

501.3 PROCEDURE

501.3.1 STOPPING THE VEHICLE

When effecting a high-risk stop, the suspect vehicle should be followed until other officers can assist. The vehicle can then be stopped in a pre-determined area where there will be less chance for the suspect(s) to flee. Maximum protection is then provided to the Deputy(s) and the public in the event of gunfire, foot pursuit, or other potential hazards.

In most cases a single Deputy should not intentionally effect a high-risk stop, although circumstances may dictate that an approach to the suspect(s) be made by the Deputy not utilizing an assisting Deputy. The Deputy should also remain cognizant of the possibility that the suspect(s) may initiate the stop at any time.

A deputy will usually have an advantage if the patrol unit is parked 35 to 40 feet from the suspect vehicle, and the deputy immediately opens the door and assume a cover position. The deputy

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should acquire the weapon he/she feels necessary and be alert in preventing occupants of the halted vehicle from separating. Vehicle occupants should be ordered to exit the vehicle in a firm, commanding voice and a positive manner, leaving no room for doubt that the deputy is in absolute control and intends to see that his/her orders are implicitly and promptly obeyed.

501.3.2 REMOVING THE OCCUPANTS

One suggested method of removing felons or dangerous persons from a vehicle is to order all occupants to place their hands on top of their head, interlacing their fingers with palms up, and remain in that position until instructed further. The deputy must not rush, and must be certain each command is followed exactly before another command is given.

(a) Starting with the driver, he occupants should be removed from the vehicle one at a time, and from only one side. The driver should be instructed to take the ignition keys out and slowly step from the vehicle. His/her back should remain toward the deputy, and he/she should be ordered to back slowly toward the rear of the vehicle with hands remaining on the head, and to kneel down with ankles crossed, and to remain in that position.

(b) All other passengers should be removed in the same manner. Sufficient interval between the suspects should be maintained to minimize any attempts at conversation, eye contact, and gestures, and they should be positioned in clear view of the deputy.

(c) The deputy should confine his/her remarks to positive, firm orders. Prior to an approach to the suspects, an order commanding any additional occupant(s) to exit the vehicle may help to ensure there is not unseen or hidden persons in the vehicle.

(d) After all occupants are out of the vehicles and positioned, the deputy can begin the approach to the suspects.

501.4 DEPUTIES RESPONDING TO ASSIST

Deputies responding to assist another deputy who is effecting a high-risk stop should upon arrival notify dispatch of the status at the scene. The assisting deputy will follow directions of the primary deputy. The assisting deputy will maintain surveillance of the suspect(s) from a cover position until all prisoners are secured. The assisting deputy will continue to give proper-armed surveillance on the halted vehicle until such time that the primary deputy/officer has secured the vehicle.

501.5 SPECIALTY PATROL VEHICLES

Deputies operating specialty patrol vehicles without cages, such as a SUV, should not transport unruly prisoners where injury may be inflicted to the deputy, or damage caused to the patrol vehicle interior. If the need dictates, a patrol car with a cage should be summoned.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office prepares traffic collision reports in compliance with Oregon Revised Statutes 810.460 relating to reports of traffic accidents to the Oregon Department of Transportation and, as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The Patrol Division will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon State Police Traffic Crash Report.

502.3 TRAFFIC COLLISION REPORTING

All Traffic Crash Reports taken by members of the Lincoln County Sheriff's Office shall be submitted to their supervisors for approval and forwarded to support services..

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITYCOUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

502.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES

When an employee of this Sheriff's Office, either on-duty or off-duty, is involved in a traffic crash within the jurisdiction of Lincoln County resulting in a serious injury or fatality, the on duty supervisor may request assistance from the Oregon State Police.

The term serious injury is defined as any injury that results in hospitalization.

502.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITYCOUNTY EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or Supervisor may request assistance from the Oregon State Police for the investigation of any traffic collision involving any Lincoln County official or employee where a serious injury or fatality has occurred.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or a deputy issues a citation for a traffic violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

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502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within this jurisdiction in the following cases:

(a) There is a death, or injury to any person involved in the collision (these reports will require a narrative).

(b) There is damage to any vehicle involved in the collision

(c) A deputy issues a citation for a violation of the Vehicle Code.

(d) All hit and run violations as defined by ORS 811.700 and 811.705.

(e) The collision is initially reported by a garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet (Oregon Revised Statutes 822.600).

(f) The collision meets the criteria for operators to submit a State Accident Report to the Department of Motor Vehicles.

(g) Impairment due to alcohol or drugs

502.4.6 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS

A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless the incident meets the criteria in the Vehicle Towing policy.

502.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION

If the crash results in the death, or likely death, of any person, the deputy will notify their immediate supervisor. The supervisor will make arrangements for any additional personnel needed at the crash scene. The supervisor will be in charge of the crash scene and coordinate the investigation. The supervisor will determine if the MAC-T should be called out to investigate the crash. The supervisor will make sure the District Attorney and Medical Examiner are notified.

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Vehicle Towing

503.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this office to tow a vehicle.

503.2 POLICY

The Lincoln County Sheriff's Office will tow vehicles when appropriate and in accordance with the law. An incident report will be generated for all instances in which a vehicle is towed by a member of this office.

503.3 NOTICE PRIOR TO TOW

When circumstances permit, (e.g., when towing a vehicle for parking or registration violations and the vehicle does not constitute a hazard), the Support Services Divisionor field unit should make a good-faith effort to provide notice that is reasonably calculated to apprise the owner of the vehicle that it is subject to towing and impoundment.

503.4 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Office members may assist by communicating requests through Dispatch to expedite the process. If the owner of a vehicle involved in a collision is not present at the scene or is incapacitated, and the crashed vehicle meets the definition of a hazard, it shall be towed as a hazard according to ORS 819.120.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the office member when the vehicle is (ORS 819.120):

(a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.

(b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway.

Vehicles that are not the property of the County should not be driven by office members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

503.5 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting deputy should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Deputies are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, deputies should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

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The following are examples of situations where a vehicle should not be towed (ORS 809.720):

- The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Office will not be responsible for theft or damages.

503.6 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Deputies should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence (ORS 133.535).

Deputies should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, as long as the vehicle is not needed for evidence.

503.6.1 STATE REQUIREMENTS

The impounding deputy should take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

If a recovered stolen vehicle is towed, the deputy shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

503.7 RECORDS

Support Services Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

503.7.1 VEHICLE STORAGE REPORT

Office members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the [recordsBureau] as soon as practicable after the vehicle is towed.

503.7.2 NOTICE AFTER TOW

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the [recordsBureau] to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

(a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority; and the statute, ordinance, or rule under which the vehicle has been taken into custody and towed.

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(b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.

(c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.

(d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

(e) That the owner, possessor, or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.

(f) The time within which a hearing must be requested and the method for requesting a hearing.

(g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

503.8 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Office. A rotation or other system established by the Office for tow services should be followed.

503.9 VEHICLE INVENTORIES

The contents of all vehicles impounded at the request of office members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including but not limited to unlocked glove compartments, unlocked vehicle trunks, and unlocked car-top containers.

(c) Any locked compartments, including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers, should be inventoried, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following:

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wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator when an inventory is performed.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of office members, and protecting the Office against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

503.9.1 OPPORTUNITY TO REMOVE PROPERTY

In the event that the owner, operator, or occupant of a vehicle to be impounded is present at the scene and not subject to arrest, the deputy shall provide notice and opportunity to that person to take readily retrievable personal belongings (e.g., purse, backpack, cigarette pack) from the vehicle that are not considered evidence or contraband.

503.10 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the office member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Office in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

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Vehicle Forfeiture Policy

504.1 PURPOSE AND SCOPE

This policy provides the procedure for seizing a vehicle under the Lincoln County DUII Vehicle Forfeiture ordinance, 2.300.

504.1.1 VEHICLE FORFEITURE REQUIREMENTS

Deputies may tow vehicles pursuant to the Lincoln County DUII Vehicle Forfeiture ordinance under the following conditions:

(a) When a deputy has probable cause to arrest a suspect for DUII; and

(b) The suspect is the registered owner of the vehicle or the suspect is not the registered owner of the vehicle, but the registered owner had knowledge that the suspect was driving the vehicle while under the influence of intoxicants; and

(c) The driver of the vehicle has at least one prior arrest or conviction for DUII within the previous ten years in any state.

504.2 PROCEDURE

If the suspect meets the criteria for a DUII seizure the deputy will request a non-preference tow for the vehicle to be towed to the Lincoln County Impound Yard.

The vehicle will be inventoried according to policy 503.9.

The deputy will promptly serve a Notice to Potential Claimant form upon the arrested driver (prior to release from jail) and all registered owners of the vehicle, and promptly forward a copy of the police report and seizure notice to Lincoln County County Counsel.

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Vehicle Impound Hearings

505.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

505.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Lincoln County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent.

505.2.1 HEARING PROCEDURES

When requested, a hearing to contest the validity of the impoundment and the reasonableness of the tow will be held as follows (ORS 819.190).

Requests for a hearing on an impounded vehicle shall be submitted in writing to the person designated by the Lincoln County County Sheriff's Office to receive such requests, within five days of the postmarked date on the notice of impound. The request shall state the grounds upon which the person requesting the hearing believes that the custody and towing of the vehicle was not justified.

An impound hearings officer, designated by this office, will set a time for the hearing within 72 hours of the receipt of the request, excluding Saturdays, Sundays and holidays. The hearings officer will provide notice of the hearing to the person requesting the hearing, to the impounding deputy and to any owner, lessor or security interest holder shown in the Oregon Department of Transportation (ODOT) records.

An impound hearings officer, designated by this office, shall consider all information provided and shall determine the validity of the impound based on substantial evidence on the record, according to applicable law and policy. The hearings officer shall then render a decision. The deputy who caused the removal of the vehicle may submit an affidavit to the hearings officer in lieu of a personal appearance.

If the hearings officer decides that the impound was valid, he/she shall order the vehicle held in custody until the cost of the hearing and all reasonable towing and storage costs are paid by the party claiming the vehicle.

If the hearings officer decides that the impound was invalid, he/she shall order the immediate release of the vehicle to the owner or person with right of possession. Such person is not liable for towing or storage charges and shall be reimbursed for such charges if they have already been paid. New storage costs will not start to accrue until more than 24 hours after the time the vehicle is officially released (ORS 819.190).

If a decision is made that the impound was invalid and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander for reimbursement by this office to the appropriate party.

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Impaired Driving

506.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence of intoxicants (DUII).

506.1.1 DEFINITIONS

Definitions related to this policy include:

Intoxicants - Intoxicating liquor, controlled substances, inhalants, cannabis, psilocybin, and any drug as defined in ORS 475.005 that, when used alone or in combination with any other intoxicant, adversely affects an individual's mental or physical faculties to a noticeable or perceptible degree (ORS 801.321).

506.2 POLICY

The Lincoln County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon’s impaired driving laws.

506.3 INVESTIGATIONS

Deputies should not enforce DUII laws to the exclusion of their other duties unless specifically assigned to DUII enforcement. All deputies are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUII investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Oregon or another jurisdiction.

506.4 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

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(a) The arresting deputy has reasonable grounds to believe that the person was DUII.

(b) The person is arrested for DUII and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).

(c) The person is arrested for DUII and was involved in an accident resulting in injury or property damage (ORS 813.131).

(d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting deputy has reasonable grounds to believe that the person was DUII.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

506.4.1 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

506.4.2 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

506.4.3 STATUTORY NOTIFICATIONS

Prior to administering any tests, the person shall be informed of the rights and consequences for DUII and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

506.4.4 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES

A deputy may not request that a person submit to a urine test unless the deputy is certified by the Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The person providing the urine sample shall be given privacy and may not be observed by the deputy when providing the sample (ORS 813.131).

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506.4.5 ADDITIONAL TESTING

A deputy requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, psilocybin, a controlled substance, or an inhalant in the person's body is an issue (ORS 813.150).

506.5 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies should:

(a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

506.5.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

506.5.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (ORS 813.100).

(b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

506.5.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

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(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when legal and practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

506.6 ARREST AND INVESTIGATION

506.6.1 DEPUTY RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in their blood, the investigating deputy shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The original and a copy of the completed Implied Consent Combined Report (ORS 813.120)
- Any confiscated license or permit belonging to the person and the notice of intent to suspend

A deputy confiscating a person's license pursuant to state DUII laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked, or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.

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- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

506.7 SUPPORT SERVICES DIVISION RESPONSIBILITIES

The Support Services Director will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

506.8 ADMINISTRATIVE HEARINGS

The Support Services Director will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

506.9 TRAINING

The Training Sergeant should ensure that deputies participating in the enforcement of DUII laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques, and rules of evidence pertaining to DUII investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

507.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

507.2 RESPONSIBILITIES

The Patrol Lieutenant shall be responsible for the development and design of all traffic citations in compliance with state law and the Judicial Council.

Sergeants shall be responsible for the supply and accounting of all traffic citations issued to employees of this office.

507.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Sheriff's Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to a supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

507.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to Records.

507.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. If approved, the letter of correction will be sent to the court having jurisdiction and to the recipient of the citation.

507.6 DISPOSITION OF TRAFFIC CITATIONS

The file copies of all traffic citations issued by members of this Sheriff's Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

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Upon separation from employment with the this Sheriff's Office, all employees issued traffic citations books shall return any unused citations to their supervisor.

507.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

508.1 PURPOSE AND SCOPE

Public safety, and the Lincoln County Sheriff's Office's commitment to service, requires that deputies place a high priority on assisting disabled motorists. This policy provides guidelines for achieving that objective.

508.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

508.3 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

508.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by personnel will be contingent on the time of day, the location, the availability of resources, and the vulnerability of the disabled motorist.

508.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

508.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

508.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Abandon Vehicles

509.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the ORS or Lincoln County County Ordinance regulating abandoned vehicles under the authority of ORS 819.110.

509.1.1 DEFINITIONS

Public Way - Public roadway or public property within the jurisdiction of the Sheriff's Office. Examples of public property include but are not limited to school grounds, post office parking lots, county owned parks, public utility district property and USFS property.

Vehicle Coordinator - The person assigned by the Sheriff's Office to coordinate operations of vehicles designated as abandoned or hazardous.

Private Property - Any land or property that is not publicly owned such as business parking lots and real estate owned by citizens.

509.1.2 RULE

Deputies will only follow this procedure for vehicles abandoned on public ways or private property other than State Highways or other lands designated to be within the jurisdiction of the Oregon State Police or municipal agencies not contracting with the Lincoln County Sheriff's Office. Such lands include ocean beaches, property or lands owned and maintained by the State of Oregon, and property within city limits. Vehicles abandoned that are not within the jurisdiction of the Agency will be referred to the appropriate agency.

509.2 VEHICLES ABANDON ON A PUBLIC WAY

(a) When a Deputy has reason to believe a vehicle has been abandoned on a public roadway or public property for more than 24 hours, the deputy shall first run a wants check on the vehicle. If the vehicle is clear of wants, the deputy will post the vehicle as abandoned by placing the agency approved abandoned sticker in a conspicuous place on the vehicle.

(b) The deputy will attempt to contact the registered owner of the vehicle to have it removed unless the vehicle is flagged as being sold. The deputy will inform the registered owner that he or she is responsible for the abandonment and removal of the vehicle as provided under ORS 819.100. The deputy will allow a reasonable amount of time, not to exceed two weeks, for the registered owner to remove the vehicle. The deputy will inform the registered owner that if the vehicle is not removed by the agreed date then the Sheriff's Office will have the vehicle towed, he or she will be issued a citation for abandoning the vehicle, and the Sheriff's Office shall seek restitution for the amount of the tow bill.

(c) In the event the Deputy was not able to contact the registered owner or the vehicle was flagged as sold, the Deputy will wait 24 hours to see if the vehicle is still at the location. In the event the Deputy contacted the registered owner and set a date for

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vehicle removal, the Deputy will check to see if the vehicle is still at the location after the agreed removal date. If the vehicle is gone, no further action is needed. If the vehicle is still at the location, the deputy will take a case number, add the vehicle and persons to the report and account of actions taken.

(d) The Deputy will contact the Sheriff's Office approved tow company to have the vehicle towed. The tow company will be provided with the case number and any requested DMV registration information. The tow company shall fulfill the legal obligations for registered owner/lean holder notification, vehicle appraisal, and other legal requirement for vehicle disposal listed in ORS 819.215. In some rare cases, depending on location of the vehicle to be towed, there will be a tow bill generated by the tow company. Any tow bills will be submitted to the Abandoned Vehicle Coordinator (AVC), who will approve payment of the bill and submit it to the Sheriff's Office administrative assistant or designee.

(e) If the tow company appraises the vehicle at $1,000.00 or less, but more than $500.00, the Sheriff's Office shall sell the vehicle without notice and public auction to the tow company as defined in ORS 819.220 at no cost. The Sheriff's Office shall issue the tow company a certificate of sale in compliance with ORS 819.240 and notify the tow company to apply for a salvage title. The tow company shall be subject to provisions under ORS 819.010 and ORS 819.040. If the vehicle is appraised at over $1,000.00 the tow company shall notify the Abandoned Vehicle Coordinator (AVC) so that arrangements can be made to have the vehicle and contents towed to the Lincoln County Impound Yard for sale at public auction as required by ORS 819.210. The AVC shall notify Lincoln County Legal Counsel, which will arrange the public auction sale in accordance with ORS 87.192 and 87.196.

(f) If the vehicle was towed and the registered owner is identified and lives in Lincoln County, Oregon the Deputy will make a reasonable effort to issue the registered owner a citation for Abandoning a Vehicle under ORS 819.100. When the registered owner is cited the Deputy will return all but the officer's copy of the citation to the Abandoned Vehicle Coordinator (AVC.)

(g) If the registered owner lives in Oregon, but outside Lincoln County, the Deputy will prepare a citation and deliver it to the AVC. The AVC will send the citation with a letter requesting the appropriate agency serve the citation.

(h) After receiving a served citation the AVC will submit the court copies along with a letter to the judge requesting restitution for the tow in the event a tow bill was generated. A copy of the tow bill will accompany the letter.

(i) If the registered owner or lien holder requests a hearing in response to the notification letter sent by the tow company, the shift supervisor will be notified who will notify the AVC and patrol commander no later than the next business day. The AVC will contact the respondent and arrange a hearing with the Agency Hearings Officer within 72 hours of the receipt of the request only if the respondent requests a hearing by submitting a request for the hearing not more than five days from the mailing date of the notice. The tow company shall hold the vehicle pending the outcome of the hearing. The Agency Hearings Officer shall conduct a hearing in accordance with ORS 819.190. The AVC will notify the tow company of the results of the hearing. The tow

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company will either turn the vehicle back over to the respondent or proceed with the disposal process of the vehicle depending on the outcome of the hearing.

509.3 VEHICLE DISPOSAL

(a) When a Deputy receives a complaint of a vehicle that has been abandoned on private property, the Deputy shall first run a wants check on the vehicle and obtain DMV registration information. The Deputy will request the communications center to attach the vehicle registration to the dispatch event screen.

(b) If the vehicle is stolen, the Deputy will conduct an investigation for recovery of the stolen vehicle. If the vehicle is not stolen the deputy will inform the complainant that the owner or person in lawful possession of the real property may have an abandoned vehicle towed privately in reference to ORS 98.830. Deputies may not provide the complainant with a preference of tow companies to contact, but may inform the complainant which tow companies the Sheriff's Office utilizes for abandoned vehicle removal on public property. The Deputy will inform the complainant that a dispatch event screen was generated and will serve as the required notification to law enforcement under ORS 98.830. The Deputy shall inform the complainant of the event number.

(c) Depending on the circumstances of the abandonment, the Deputy may choose to take further action on the complaint. If the Deputy chooses to further pursue the matter, the Deputy will confirm with the complainant that they would like to have the registered owner contacted and informed that the vehicle has been abandoned, that he or she is the registered owner and is responsible for the abandonment and removal of the vehicle as provided under ORS 819.100. The complainant must agree to the disclosure of the location of the abandoned vehicle to the registered owner and understand that the registered owner may be making arrangements to have that vehicle removed from the location. If the complainant agrees to have action taken then the Deputy may issue the registered owner of the vehicle a citation for Abandoning a Vehicle under ORS 819.100. The Deputy will not post any vehicles abandoned on private property for tow. If a citation is issued a report will be completed and submitted. The Abandoned Vehicle Coordinator (AVC) does not need to be notified.

(d) If the complainant does not wish to have the information provided to the registered owner then the Deputy will complete those notations on the dispatch event screen and close the event.

509.3.1 APPRAISAL

Vehicles disposed of under this policy must be appraised by an appraiser certified by the Department of Transportation (ORS 819.215).

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509.4 IMPOUND HEARING

When a vehicle is stored under this section by any member of the Lincoln County Sheriff's Office, a hearing will be conducted upon the timely request of any person who reasonably appears to have an interest in the vehicle.

509.4.1 HEARING PRIOR TO IMPOUNDMENT

If an interested person requests a hearing prior to the impoundment of the vehicle, the vehicle will not be towed until the hearing is held, unless it constitutes a hazard.

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Vehicles Towed as Hazards

510.1 PURPOSE AND SCOPE

This policy provides for the removal of vehicles posing a hazard to the public and cannot be towed as illegally parked or abandon.

510.1.1 POLICY

It is the policy of this office that patrol deputies need to be cognizant of vehicles posing a hazard to the public and will follow the procedure outlined in this policy when a Deputy has reason to believe that a vehicle has been abandoned on a public right of way and presents a hazard or obstruction to motor vehicle traffic. This procedure will also be utilized by deputies who wish to take enforcement action on vehicles that are parked illegally. A vehicle should only be towed as a hazard if it does not fit the criteria of an illegally parked vehicle or can not be handled as an abandoned vehicle.

510.1.2 DEFINITIONS

Public Right of Way - Any public roadway or highway right of way within the jurisdiction of the Sheriff's Office.

Vehicle Coordinator - The person assigned by the Sheriff's Office to coordinate operations of vehicles designated as abandoned or hazardous.

510.1.3 VEHICLES DEEMED A HAZARD

A vehicle shall be deemed a hazard as defined in ORS 819.120 if it is disabled, abandoned, parked or left standing unattended on a road or highway right of way and is in such a location as to constitute a hazard or obstruction to motor vehicle traffic. Examples of a hazardous vehicle include, but are not limited to, any vehicle parked so that any part of the vehicle extends within the paved portion of the lane or highway shoulder or bicycle lane. Hazardous vehicle does NOT include a vehicle parked temporarily on the shoulder of a roadway as indicated by a short passage of time AND by the operation of the hazard lights, a raised hood, or advance warning signs or flares.

510.1.4 ILLEGALLY PARKED VEHICLES

A vehicle is parked illegally if it is parked in a manner prohibited under ORS 811.550. Examples of vehicles parked or left standing illegally include, but are not limited to, vehicles parked on a sidewalk, within an intersection, on a crosswalk or within 20 feet of a crosswalk at an intersection, upon a highway bridge, on a railroad, any place prohibited by traffic control devices, in front of a public or private driveway, within 10 feet of a fire hydrant, or on a bicycle lane or path. Exceptions from prohibited parking are listed in ORS 811.560.

510.1.5 VEHICLES CONSTITUTING AN IMMEDIATE HAZARD

When a Deputy, engaged in patrol activities, encounters a hazardous vehicle that constitutes an immediate hazard to vehicular traffic flow, the Deputy shall take action to restore safety regardless of jurisdictional boundaries. When a Deputy encounters a hazardous or illegally parked vehicle that

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does not constitute an immediate hazard to vehicular traffic flow, the Deputy may take enforcement action or may refer the complaint to the appropriate agency of jurisdiction.

510.2 PROCEDURE

(a) Any vehicle that is towed as a hazard pursuant to 819.120 or that is towed as an illegally parked vehicle as described in ORS 811.550 shall request a non preference tow to have the vehicle towed.

1. If the vehicle is disabled and the operator or owner is present, the Deputy will assist them with following the procedures in policy number 3.235 Assisting Disabled Motorists. If the owner or operator of a vehicle constituting a hazard is present, but does not have the means or refuses to remove the vehicle from being a hazard, the Deputy will have the vehicle towed. If the vehicle can not be towed as an illegally parked vehicle then it will be towed as a hazard

(b) No vehicle towed as a hazard or as an illegally parked vehicle will generate a tow bill. The Deputy may issue a uniform traffic citation for the violation under ORS 811.550. If the operator or owner of the vehicle is not present or is not known, the Deputy can serve the citation on the vehicle. On the UTC in the space marked "operate" the deputy will place the word "park". In the "as described" section the Deputy will note that the citation was served on the vehicle. In the certification of service section at the bottom of the UTC, the Deputy will delete "person" and write the word "vehicle."

1. If the name and address of the operator is not known, the Deputy will use the "registered owner" information to complete the citation. The Deputy will then place the citation under the driver's side windshield wiper, or affix the citation in another conspicuous place on the vehicle.

(c) If the vehicle is towed as an illegally parked vehicle then no further action by the Deputy is needed. If the vehicle is towed as a hazard the Deputy shall send the Sheriff's Office approved hazard form letter to the registered owners and any lien holders within 48 hours of the time the vehicle is towed via certified mail. A copy of the letter will be delivered or mailed to the tow company that towed the vehicle. A case number will be taken and another copy of the letter will be filed with the case file.

(d) If the registered owner or lien holder requests a hearing in response to the notification letter sent by the Deputy, the shift supervisor will be notified who will notify the AVC and patrol commander no later than the next business day. The AVC will contact the respondent and arrange a hearing with the Agency hearings officer within 72 hours of the receipt of the request only if the respondent requests a hearing by submitting a request for the hearing not more than five days from the mailing date of the notice. The AVC shall contact the tow company and notify them of the hearing immediately.

(e) The tow company shall appraise the vehicle within a reasonable time as required under ORS 819.120 (7) in compliance with ORS 819.230.

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(f) If the vehicle is not reclaimed within 15 days after it was towed the Sheriff's Office shall sell the vehicle without notice and public auction to the tow company as granted under ORS 819.220, which is certified as a wrecker as provided under ORS 822.110. The Sheriff's Office shall issue the tow company a certificate of sale in compliance with ORS 819.240 and notify the tow company to apply for a salvage title. The tow company shall be subject to provisions under ORS 819.010 and ORS 819.040.

(g) If the vehicle is appraised at over $1000.00 the vehicle shall be towed to the Lincoln County Impound Yard where the vehicle will be held for a period of at least 30 days after it is taken into custody. Lincoln County Legal Counsel will be notified. The vehicle will be sold at public auction as provided in ORS 87.192 and ORS 87.196 or be disposed of as provide by local county ordinance.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 POLICY

It is the policy of the Lincoln County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2 INITIAL INVESTIGATION

600.2.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies.

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600.4.1 AUDIO/VIDEO RECORDINGS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707 (ORS 133.400).

A custodial interview of a person 17 years of age or under involving an investigation into a misdemeanor or a felony or an allegation that the juvenile being interviewed committed an act that would be a misdemeanor or a felony if committed by an adult shall be recorded, absent good cause not to record the interview, if (ORS 133.402):

(a) The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or

(b) The interview is conducted anywhere else and the deputy is wearing a body-worn camera.

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing deputy or detective should document the refusal in his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

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Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 INVESTIGATIVE PROCEDURES

The Patrol Division Commander or the authorized designee is responsible for the development of investigative procedures including:

(a) Guidance for interacting with persons who have experienced trauma consistent with the Substance Abuse and Mental Health Services Administration's (SAMHSA) trauma-informed principles adopted by DPSST (ORS 181A.445).

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1. Procedures should include interview techniques and considerations to take into account when writing reports based upon interviews with persons who have experienced trauma.

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Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Civil Forfeiture - The following, with certain restrictions, may be subject to civil forfeiture when used for prohibited conduct (ORS 131A.020):

- Containers for controlled substances and related compounds.
- Conveyances, including but not limited to aircraft, vehicles, and vessels used to transport, sell, or conceal controlled substances.
- Proceeds from prohibited conduct or money, deposits, or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used to facilitate prohibited conduct.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct, and conspiracies.
- A motor vehicle when the driver is arrested or cited for driving while suspended or revoked under ORS 811.182 or ORS 163.196 and has been convicted of either offense within the past three years (ORS 809.740).

Criminal Forfeiture - The following, with certain restrictions, may be subject to criminal forfeiture when used, or intended to be used, for prohibited conduct (ORS 131.558):

- Containers for controlled substances and related compounds.
- Conveyances, including aircraft, vehicles, and vessels used to transport, sell, or conceal controlled substances.
- Proceeds from prohibited conduct or money, deposits, or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used to facilitate prohibited conduct.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct, and conspiracies.
- All other personal property that is used or intended to be used to commit or facilitate prohibited conduct.

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This

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includes any time the Lincoln County Sheriff's Office seizes property for forfeiture or when the Lincoln County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the assigned attorney.

Prohibited conduct - In the context of criminal forfeiture, refers to a felony or a Class A misdemeanor for purposes of proceeds, and any crime listed in ORS 131.602 for purposes of instrumentalities (ORS 131.550).

Prohibited conduct in the context of civil forfeiture refers to any of the following (ORS 131A.005):

- Crimes related to the Uniform Controlled Substances Act (specifically, ORS 475.005 through ORS 475.285 and ORS 475.744 through ORS 475.980).
- Crimes involving violation of, or solicitation, attempt, or conspiracy to violate ORS 475C.337, ORS 475C.341, ORS 475C.345, or ORS 475C.349.
- Violation of, or solicitation, attempt, or conspiracy to violate ORS 475C.229.
- Involuntary servitude or compelling prostitution (ORS 163.263; ORS 163.264; ORS 163.266; ORS 167.017).
- Other local crimes allowing for civil forfeiture (ORS 131A.010).

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Lincoln County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

It is the policy of the Lincoln County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Civil forfeiture

1. Property that is subject to a court order (ORS 131A.060).

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2. Property that is not subject to a court order if (ORS 131A.065):
    (a) There is probable cause to believe that the property is subject to forfeiture and the property may constitutionally be seized without a warrant.
    (b) The seizure is in the course of a constitutionally valid criminal investigative stop, arrest or search, and there is probable cause to believe that the property is subject to civil forfeiture.
    (c) The property is directly or indirectly dangerous to the health or safety of any person.
    (d) An owner consents to the seizure.

(b) Criminal forfeiture
    (a) Property that is subject to a court order (ORS 131.561).
    (b) Property that is not subject to a court order when (ORS 133.535; ORS 131.561):
        (a) The property subject to criminal forfeiture is also evidence of a crime or is illegal to possess.
        (b) There is probable cause to believe that the property is subject to criminal forfeiture.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
(b) A conveyance owned by a common carrier or person who did not consent to the offense in question or had no knowledge of the offense (i.e., an "innocent owner") (ORS 131.558)

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

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(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

601.6 DISPOSITION OF FORFEITED PROPERTY

Property forfeited through the criminal forfeiture process shall be disposed of in accordance with ORS 131.588 and ORS 131.594, and any applicable intergovernmental agreement. Forfeited cigarettes shall be destroyed, not sold (ORS 131.604).

Property forfeited through the civil forfeiture process shall be disposed of in accordance with ORS 131A.350 and ORS 131A.360, and any applicable intergovernmental agreement.

Criminally or civilly forfeited grow or lab equipment may be donated to educational institutions (ORS 131.594; ORS 131A.360).

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601.6.1 DISPOSITION OF RECORDS
Written documentation of each sale, decision to retain, transfer, or other disposition of forfeited property will be maintained and any information requests necessary for the forfeiture counsel's electronic reports shall be addressed (ORS 131.600; ORS 131A.450).

601.7 CONSENSUAL SEARCH OF MOTOR VEHICLE
Deputies should use a consensual search of a motor vehicle form when requesting a consensual search of a motor vehicle (ORS 131A.025).

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Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Lincoln County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Lincoln County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Lincoln County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Sheriff or the authorized designee

602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Commander, Investigation Division supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as deputy deputies, employees or agents of the Lincoln County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between office members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Division supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Investigation Division supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member.

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The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this office to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Division. The Investigation Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Commander, Investigation Division supervisor or their authorized designees.

The Patrol Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigation Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

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(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

602.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigation Division supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Sheriff.

602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Investigation Division buy/expense fund.

1. The Investigation Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.

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(b) Payments exceeding $500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Sheriff and the N/A are required for disbursement of the funds.

(c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Lincoln County Sheriff's Office case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

602.6.3 AUDIT OF PAYMENTS

A supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Lincoln County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

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In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.5 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.6 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.

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6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) A person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

603.7 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Lincoln County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Lincoln County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Lincoln County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the office case file.

604.4 DISCLOSURE OF REQUESTED INFORMATION

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine

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whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or office counsel should be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

604.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

604.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

604.7 BRADY PROCESS

The Sheriff shall select a member of the Office to coordinate requests for *Brady* information. This person shall be directly responsible to the Sheriff or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Working with the appropriate prosecutors' offices and the County Counsel's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

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1. Updating the list whenever potential *Brady* information concerning any office member becomes known to the Office or is placed in a personnel or internal affairs file.

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Unmanned Aerial System

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

605.2 POLICY

A UAS may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current (OAR 738-080-0045), and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Ensuring that the UAS is registered with the Oregon Department of Aviation (ORS 837.360).
- Developing protocols for storage, security, and access to data collected by the UAS (ORS 837.362).
- Developing protocols if a third party is used for the storage of data, including handling, security, and access to the data by the third party (ORS 837.362).
- Developing protocols for disclosing data collected by the UAS through intergovernmental agreements (ORS 837.362).
- Publishing the office policies and procedures regarding the use, storage (including third party storage), accessing, sharing, and retention of data collected by the UAS, including the text of ORS 192.345 on the office website or other publicly accessible system (ORS 837.362).

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- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

The UAS shall only be operated by the Office (ORS 837.320; ORS 837.330; ORS 837.335):

(a) Pursuant to a valid warrant authorizing its use.

(b) When there is probable cause to believe that a person has committed a crime, is committing a crime, or about to commit a crime, and exigent circumstances exist that make it unreasonable to obtain a warrant authorizing the use.

(c) With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.

(d) As part of search and rescue activities, as defined in ORS 404.200.

(e) When assisting an individual in an emergency if there is a reasonable belief that there is an imminent threat to the life and safety of the individual.

1. A report shall be prepared documenting the factual basis for the belief.
2. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court describing the nature of the emergency and the need for the use of the UAS.

(f) During a state of emergency declared by the Governor, if:

1. The UAS is used for preserving public safety, protecting property, or conducting surveillance that will be used to assess and evaluate environmental or weather-related damage, erosion, or contamination.
2. The UAS is operated only in the geographical area specified in the Governor's proclamation.

(g) For the purpose of reconstructing a crime scene or accident scene, or a similar physical assessment that is related to a specific investigation, as provided by ORS 837.340.

(h) For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (ORS 837.365).

The UAS shall not be used in any way that causes interference with an aircraft that is in the air, taking off, or landing (ORS 837.374).

605.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule (ORS 837.362).

605.8 REPORTING

The Patrol Commander supervisor shall ensure that an annual report is provided to the Oregon Department of Aviation that summarizes the frequency of UAS use and the purpose for the use, and indicates how the public can access the office's policies and procedures regarding the use of data resulting from the use of UAS as required by ORS 837.360.

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Sexual Assault Investigations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in ORS 163.305 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally composed of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

606.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

606.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

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606.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

606.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. A supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

606.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

606.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the

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circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

606.7.1 POLYGRAPH EXAMINATION OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 through ORS 163.575, shall not be required to submit to a polygraph examination as a prerequisite to filing criminal charges (34 USC § 10451; ORS 163.705).

606.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. When a victim agrees to participate in a medical assessment, the deputy shall contact a victim advocate and make reasonable efforts to ensure that the advocate is present and available at the medical facility if such notification has not already been made by medical personnel (ORS 147.404).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Unless the victim has chosen to remain anonymous, sexual assault kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing (ORS 181A.325).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

606.8.1 COLLECTION AND TESTING REQUIREMENTS

A sexual assault forensic evidence kit shall be obtained from a medical facility within seven days after the medical facility notifies the Office that the kit has been collected. The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the Office receives the kit from the medical facility and accompanied with information sufficient to allow OSP to prioritize testing. Sexual assault kits shall not be submitted in cases where the victim has chosen to remain anonymous (ORS 181A.325).

If a victim chooses to file a sexual assault report at a later time, the sexual assault kit associated with the report shall be reclassified as a non-anonymous kit and submitted for testing to the OSP within 14 days of the reclassification (ORS 181A.325).

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Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

606.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the crime victim liaison as provided in the Victim and Witness Assistance Policy.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

606.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Division supervisor.

Classification of a sexual assault case as unfounded requires the Detective Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

606.10 CASE REVIEW

The Detective Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 POLICY

Members of the Lincoln County Sheriff's Office shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
2. A review of the incident by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

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(e) A supervisor’s approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.4 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.4.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the County or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

700.5 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior approval by the Sheriff or the appropriate Division Commander. The member should submit a request that includes the description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as a part of work.

700.5.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made in writing and submitted to the member's supervisor.

The supervisor receiving such a request shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether the reasonable care was taken to prevent the loss, damage or unserviceable condition.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Countydepartment responsible for issuing payments.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The Lincoln County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

701.4 ISSUED PCD

Depending on a member’s assignment and the needs of the position, the Office may, at its discretion, issue a PCD for the member’s use to facilitate on-duty performance. Issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the

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authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by office procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).

2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.

3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any office business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Lincoln County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications

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or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

    1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

(c) Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

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701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Sheriff's Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a County vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, including, but not limited to, the lack of a working siren, emergency lights and/or radio communications, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Sheriff's Office vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container

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- 3 Hazardous waste disposal bags
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

702.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location. Vehicles should be fueled at the end of each shift.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE
Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service"

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placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

702.7 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure County vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of County vehicles and shall not be construed to create or imply any contractual obligation by the Sheriff's Office to provide assigned take-home vehicles.

703.2 POLICY

The Lincoln County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

All vehicles used in patrol operations are equipped with sheriff's radio and emergency equipment as defined by ORS 816.250 and OAR 735-110-0010 through OAR 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

703.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify a Supervisor.

703.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All County vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.3 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Data Computer Use Policy.

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703.3.4 AUTHORIZED PASSENGERS

Members operating County vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.5 ALCOHOL

Members who have consumed alcohol are prohibited from operating any County vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.6 PARKING

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving County vehicles should obey all parking regulations at all times.

County vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to county vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

Members will use the parking brake when the vehicle is stopped and placed in "park" with the motor still running to prevent the vehicle from accidently engaging in gear.

703.3.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

County vehicles may be assigned to individual members at the discretion of the Division Commander . Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other members at the discretion of the Sheriff or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where County vehicles must be used by members to commute to and from a work assignment. Members may take home County vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Office.

(b) Other reasonable transportation options are not available.

(c) Off-street parking will be available at the member’s residence.

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(d) Vehicles will be locked when not attended.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by a supervisor and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the a supervisor.
4. When the vehicle is being used by the Sheriff, Division Commanders or members who are in on-call administrative positions

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

(a) No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging,radio communication needs).

(b) All weapons shall be secured while the vehicle is unattended.

(c) All office identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee.

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(h) Vehicles are to be secured at the member's residence or the appropriate county facility, at the discretion of the Office when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.

703.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the County. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at an approved facility.

(d) The County shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) All weapons shall be removed from any vehicle left for maintenance.

(f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any County vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any County vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in the appropriate form and forwarded to a Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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703.7 ATTIRE AND APPEARANCE

When operating any County vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of operations and ensure the public trust.

704.3 ROUTINE CASH HANDLING

Those who handle cash as part of their duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for office services shall discharge those duties in accordance with the procedures established for those tasks.

704.4 OTHER CASH HANDLING

Members of the Office who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Lincoln County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95 and OAR 437-002-0080.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAR 437-002-0134.

705.6 RESPIRATORY PROTECTION

Each Division Commander, if applicable to their division, is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; OAR 437-002-0120):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; OAR 437-002-0120):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

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705.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; OAR 437-002-0120):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; OAR 437-002-0120).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

705.6.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; OAR 437-002-0120).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; OAR 437-002-0120):

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(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.6.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; OAR 437-002-0120):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.7 RECORDS

The training supervisor is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the office records retention schedule, 29 CFR 1910.1020 and OAR 437-002-0360.

705.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; OAR 437-002-0120).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; OAR 437-002-0120).

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Chapter 8 - Support Services

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Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

800.2 DEFINITIONS

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Property - Includes all items of evidence, items taken for safekeeping, and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings

(b) The deputy shall mark each item of evidence with case number and item number using a tag, label, envelope, bag or other container not to deface or damage the item. Items that can be packaged in a container should be sealed with evidence tape that is dated and initialed.

(c) A copy of the property form shall be submitted with the case report. Computerized printouts of the property form do not need to be turned in with evidence. If an item is placed in an off-site location (e.g. vehicle or safe in the Impound Yard), place a computerized printout of the property form or handwritten evidence sheet in the photo/ document drop locker to notify the Evidence Control Specialist of its location.

(d) Evidence should only be placed in the temporary lockers if they have been entered in your report . Otherwise, a handwritten property form needs to be turned in with the evidence and inputted into the property section of your report as soon as possible noting the actual time the evidence was placed in the locker (not the time the report is written). When the property is too large to be placed in a locker, the item may be secured in the bulk locker. Lock the door and submit the key, along with the completed property record, into the drop slot indicating the location of the property.

(e) When the property is still too large to be placed in a locker or bulk locker, the item may be retained in the temporary storage unit at the impound yard. Submit the completed property form in the drop slot. If the item is evidence, an alternate secure location must be used or the Evidence Control Specialist called in to receive and store it in the property room.

(f) When a Deputy seizes a vehicle as evidence of a crime, they shall cause the vehicle to be taken to the Lincoln County impound yard, where it will be placed into a secure garage, if available. If a secure garage is not available, the deputy will contact a supervisor. The supervisor will determine if the vehicle can be secured outside the garage, within the fenced-in area of the impound yard. If the vehicle is stored outside the garage, it will be secured with evidence tape. The deputy will complete a property receipt and give the operator of the vehicle a copy, if possible. The deputy will then write the case number on the windshield or window with the NeoMarker located in the drop box. The property receipt and vehicle keys, if available, will then be tagged with the case number and item number and placed into the drop slot at the impound yard.

(g) When property or evidence is stored for another law enforcement agency, the deputy will complete a police report and property receipt. This property will be disposed of in accordance with the established disposal policy of this office.

(h) If a deputy takes perishable evidence into custody, they shall photograph the property and return it to the owner. The CD or photographs will be placed into evidence.

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(i) If a deputy seizes property or evidence and circumstances prevent the deputy from processing the evidence immediately, the deputy will place the property or evidence in the temporary evidence locker until the deputy can process it. In any event, the deputy will not leave the property or evidence in the temporary evidence locker for more than 24 hours without authorization from a supervisor.

(j) Alcoholic beverage containers will only be seized when there is a felony crime, or an injury or fatal motor vehicle crash, and the containers are needed as evidence. In all other cases, where an alcoholic beverage container is involved, the deputy will smell the contents, note the amount of liquid in the container, and the brand name. The empty container will then be given back to the suspect or disposed of. If a deputy seizes a keg, they will tag it with the case number and item number and place it in storage at the impound yard.

800.3.2 EXPLOSIVES/HAZARDOUS SUBSTANCES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Control Specialist is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.3 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.

(b) License plates found not to be stolen or connected with a known crime should be released directly to the Evidence Control Specialist or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Control Specialist or placed in the bicycle storage area until a Evidence Control Specialist can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Supervisor shall be contacted for cash in excess of $1,000 for special handling procedures.

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County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.4 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence, it is important that such evidence be collected, handled, and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, deputies should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 163A.005. The Evidence Control Specialist will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

800.3.5 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The Lincoln County Sheriff's Office will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Patrol Division, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this office that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

(a) Respond promptly to the medical facility to retrieve the evidence.

(b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

(c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.

(d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

A SAFE Kit collected for a victim whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

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800.3.6 STORAGE OF SURRENDERED WEAPONS

Deputies shall accept and store any weapons and ammunition from an individual who has been ordered by a court pursuant to an extreme risk protection order (ORS 166.527) or a protection order or judgment of conviction subject to the provisions of ORS 166.255 to surrender weapons and ammunition. The deputy receiving the surrendered items shall prepare a property receipt and provide the individual with a copy. The deputy should promptly forward the original receipt to the Support Services Director for timely filing with the court (ORS 166.537).

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.

(c) Property with more than one known owner

(d) Paraphernalia as described in ORS 475.525(2)

(e) Fireworks and other hazardous materials

(f) Contraband

800.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room however when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

For items too large to fit in a box, a property tag shall be securely attached to the outside of all items, or group of items packaged together.

800.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, labeled, sealed, initialed, dated and placed in an evidence locker (or temporary locker until this can be accomplished. Prior to packaging and if the quantity allows, a presumptive test may be made on all suspected controlled substances using only testing kits and procedures approved by the Sheriff. NIK testing kits, as an example, are not approved for use due to exposure dangers. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope available in the Evidence Preparation Area (EPA) and labeled with the case number and item number. The booking deputy shall seal the envelope with evidence tape and initial and date the tape. The deputy will initial the

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sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property. Pills and capsules will be counted before being placed in evidence.

If the paraphernalia/suspected controlled substances are not needed as evidence, the deputy will label and seal the item as usual and mark the "destroy" box on the Evidence Form to alert the Property Technician to destroy the substance.

If the evidence/controlled substance are needed as evidence, the deputy will remove a small sample of the substance for testing and place it in a small plastic baggie, sealing it with evidence tape. This sample needs to be assigned its own item number for tracking purposes. The deputy will then place the remainder in a container and label, seal, and initial it as usual. The deputy will place the remaining substance, the sample, and the Form 49 transmittal form in the evidence locker. The Evidence Technician will then forward the sample to the crime laboratory.

800.5 RECORDING OF PROPERTY

The Evidence Control Specialist receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and the property form.

Any changes in the location of property held by the Lincoln County Sheriff's Office shall be noted in the property logbook.

800.6 PROPERTY ROOM SECURITY

Access to the Property Room is limited to Evidence Control Specialists unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a Evidence Control Specialist.

Annual independent audits will be completed of the Property Room function with an audit report to the Sheriff.

800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Control Specialist. This request may be filled out any time after the booking of property or evidence.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

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The Evidence Control Specialist releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Support Services Division for filing with the case.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Evidence Control Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

800.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the Evidence Control Specialist without further authorization. A Evidence Control Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Support Services Division for filing with the case. If some items of property have not been released, the property card will remain with the property division. Upon release, the proper entry shall be documented in the Property Log.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

800.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA's office and the deputy or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Evidence Control Specialist will request a disposition authorization from the DA's office and the assigned

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deputy or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned deputy or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released.

Once evidence has been authorized for release and is no longer needed for any pending criminal case, it shall be considered property and released or disposed of in accordance with those procedures.

800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Lincoln County Sheriff's Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Lincoln County Sheriff's Office may wish to file an interpleader to resolve the disputed claim (ORCP 31).

800.6.7 FOUND PROPERTY

If a deputy receives found property, they will check the property for being stolen and make a reasonable attempt to locate the owner. If the property appears to be stolen property or if the property appears to be significant personal property (purses, billfolds, credit cards, identification, etc.) the deputy will take the property and place it into evidence.

Any other found property valued at less than $250 may be claimed by the finder. If the finder refuses to keep the property, the deputy will take the property into custody and place it into evidence to be later disposed of in a lawful manner.

If the property is valued at $250 or more, the finder may keep and claim the property as specified in Oregon Revised Statutes 98.005. The deputy will give the finder the back of the pink Property Form, which describes Oregon Revised Statutes 98.005, and advise them to read it carefully and refer them to the County Clerk. If the finder refuses to keep the property, the deputy will take the property into custody to be later disposed of in a lawful manner.

Found property in LCSO possession will be kept for a period of 60 days and if not claimed by the rightful owner, will be posted for 30 additional days per Oregon Revised Statutes 98.245. The Evidence Officer will maintain a record of all attempts to contact the rightful owner.

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800.6.8 RELEASE OF DEADLY WEAPONS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a deadly weapon or concealed handgun license that was surrendered pursuant to the order shall be returned to the person after (ORS 166.540):

(a) Confirming through a background check, if the deadly weapon is a firearm, that the person is legally eligible to own or possess the firearm under federal and state law; and

(b) Confirming that the extreme risk protection order is no longer in effect.

If a third party claims lawful ownership or rightful possession to a deadly weapon that was surrendered pursuant to an extreme risk protection order, the Office may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

- He/she may lawfully possess the deadly weapon.
- He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- He/she will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with Office policies and procedures for disposal of deadly weapons (ORS 166.540).

800.6.9 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE PROTECTION ORDER MATTERS

If a protection order subject to the provisions of ORS 166.255 is terminated or expires without renewal, any firearms or ammunition surrendered pursuant to the order shall be returned upon the request of the respondent after the following actions are taken (ORS 166.257):

(a) Notify the Department of Justice of the request.

(b) Confirm that the protection order is no longer in effect.

(c) Confirm through a background check that the respondent is legally eligible to own or possess firearms and ammunition under federal and state law.

Return of the surrendered items will take place no earlier than 72 hours after the request was received (ORS 166.257).

Firearms and ammunition that remain unclaimed shall be disposed of in accordance with office policies and procedures for disposal of deadly weapons (ORS 166.540).

800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Control Specialist shall request a disposition or

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status on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

800.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

Unclaimed Property - Personal property that was seized by the Lincoln County Sheriff's Office as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Lincoln County Sheriff's Office for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

800.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

(a) Destruction

(b) Sale at public auction

(c) Retention for public use

(d) Donation to a non-profit organization

800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Room supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Patrol Division supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Evidence Room supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Patrol Division supervisor.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Patrol Division Commander should be consulted and the sexual assault victim should be notified.

The Evidence Room supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits, including anonymous kits, shall be retained by the Office no less than 60 years after the collection of the evidence (ORS 181A.325).

800.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a quarterly basis, the supervisor of the Evidence Control Specialist shall make a documented inspection of the evidence/property storage areas and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced documented inspections of evidence/property storage areas shall be conducted as directed by the Sheriff.

(c) An annual documented audit of a random sample of evidence held by the Office shall be conducted by a Division Commander designated by the Sheriff who is not routinely or directly connected with evidence/property control.

(d) Whenever a change is made in personnel who have regular access to the secure areas of evidence/property storage, a documented inventory of all evidence/property shall be made by members not associated with evidence control.

(e) If there is reason to believe evidence has been tampered with, a documented inventory of all evidence/property shall be conducted by members not associated with evidence control.

(f) Documentation shall include a narrative with findings and will be forwarded through the chain of command to the Sheriff or the authorized designee.

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Support Services Division

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Lincoln County Sheriff's Office Support Services Division. The policy addresses office file access and internal requests for case reports.

801.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to maintain office records securely, professionally, and efficiently.

801.3 RESPONSIBILITIES

801.3.1 SUPPORT SERVICES DIRECTOR

The Sheriff shall appoint and delegate certain responsibilities to a Support Services Director.

The responsibilities of the Support Services Director include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Support Services Division.

(b) Scheduling and maintaining Support Services Division time records.

(c) Supervising, training and evaluating Support Services Division staff.

(d) Maintaining and updating a Support Services Division procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:

1. Homicides
2. Cases involving department members or public officials
3. Any case where restricted access is prudent

(h) Ensure that information is entered into the Oregon State Police Law Enforcement Data System (LEDS) from court orders received as required by Oregon law.

801.3.2 SUPPORT SERVICES DIVISION

The responsibilities of the Support Services Division include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

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(c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:

1. Deputy suicides
2. Deputy misconduct
3. Uses of force (ORS 181A.663)
4. Deputy deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Maintaining records of reports received from OSP of persons who are prohibited from possessing firearms attempting to purchase or otherwise procure them, and of the actions taken by the Office in response to those reports. Information and outcome of the actions taken by the Office shall be provided to OSP on or before Jan. 31 of each year as required by ORS 166.412 and ORS 166.436.

(i) Assigning UCR codes to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program, entering such information into the Lincoln County Sheriff's Office data system, and transmitting it on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225)

801.4 FILE ACCESS AND SECURITY

The security of files in the Support Services Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence and any other reports related to a deputy office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Support Services Division, and accessible only by authorized members of the Support Services Division. Access to case reports or files when Support Services Division staff is not available may be obtained through the Supervisor.

The Support Services Division will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

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801.4.1 ORIGINAL CASE REPORTS
Generally, original case reports and documents shall not be removed from the Support Services Division without supervisory permission.

801.5 CONFIDENTIALITY
Support Services Division staff has access to information that may be confidential or sensitive in nature. Support Services Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Support Services Division procedure manual.

801.6 CRIME REPORTING
State and federal law requires the reporting of monthly criminal statistics. The Lincoln County Sheriff's Office is O-NIBRS and NIBRS compliant through the report writing database. The Support Services Director, in conjunction with the patrol supervisors, shall be responsible in ensuring staff properly adhere to the rules for the capture of full and accurate statistical data. The Support Services Director will ensure the monthly crime date is compiled and exported to the Oregon State Police at the beginning of each month.

801.7 CRIMINAL STATISTICS
The Support Services Director is responsible for ensuring that statistics used for community service, grants, officer activity, officer safety, criminal activity and similar functions, can be compiled from the database. Reports based on data in the report writing database will be built and saved for staff. Records will be responsible for performing statistical searches using police report and citation data although other Sheriff's Office staff will be able to run most other statistical reports.

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Restoration of Firearm Serial Numbers

802.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

802.2 PROCEDURE

Any firearm coming into the possession of the Lincoln County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

802.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

802.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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802.2.3 DEPUTY RESPONSIBILITY

The Evidence Control Specialist receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

802.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

802.2.5 FIREARM TRACE

After the serial number has been restored or partially restored by the criminalistics laboratory, the Evidence Control Specialist will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF eTrace system.

802.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Lincoln County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

(a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).

(b) Maintaining and updating the office records retention schedule, including:

1. Identifying the minimum length of time the Office must keep records.
2. Identifying the office division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4); ORS 192.324(5)).

(g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain office records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

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When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the District Attorney, the Office will have the burden to support the denial (ORS 192.415).

803.4.2 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

(a) Requests for public records shall be made in writing.

(b) The Office is not required to create records that do not exist.

(c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.

(d) A written acknowledgement shall advise the requester of one of the following:

1. The Office is the custodian of the requested record.
2. The Office is not the custodian of the requested record.
3. The Office is uncertain whether the Office is the custodian of the requested record.

(e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of receipt of the request, the Custodian of Records shall:

1. Complete the response to the records request or;
2. Provide a written statement that the request is being processed and a reasonable estimated date by which the response should be completed based on the information currently available.

(f) A request for records is considered complete when:

1. Access or copies of the requested public records are provided to the requester or an explanation is provided to the requester where the records are publicly available.
2. A written statement is sent to the requester that an exemption exists and that access is denied.
    (a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).
        1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made

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in the case file to document the release and the reasons for the redacted portions.

3. A written statement is sent to the requester that the Office is not the custodian of records for the record requested.

4. A written statement that state or federal law prohibits the Office from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Office.

(g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Office has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or of the denial of the request for a fee waiver, the request shall be closed.

(h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.

(i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, is restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

(c) Member identification badge or card as provided in ORS 192.371.

(d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS 181A.672).

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(e) A photograph of public safety personnel without the written consent of that member (ORS 181A.674).

(f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.674; ORS 192.345(12)).

(g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).

(h) Certain juvenile records (ORS 419A.257).

(i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).

(j) Audio or video records of internal investigation interviews (ORS 192.385).

(k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).

(l) Records relating to pending litigation and to potential litigation that is reasonably likely to occur in which the Office is or will be named as a party (ORS 192.345(1)).

(m) Certain identifying information of an individual who has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.

(n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).

(o) Any public records or information the disclosure of which is prohibited by federal law (ORS 192.355).

(p) Any public records or information the disclosure of which is prohibited or restricted, or made confidential or privileged under Oregon law (ORS 192.355).

(q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).

(r) Records of a person who has been in the custody of the Office are exempt from disclosure for 25 years after termination of such custody. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).

(s) Audio or video recordings from a deputy's body-worn camera. Such recordings may only be disclosed under the conditions provided by ORS 192.345(40), including facial blurring.

(t) Personal information of complainants and of deputies who are the subject of bias-based policing complaints. "Personal information" means an individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).

(u) The identity of an individual or a deputy from traffic or pedestrian stop data collected by the Office (ORS 131.935).

(v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).

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(w) Images of a deceased person or parts of a deceased body that are part of a office investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased person's family (ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

803.7 EXPUNGEMENT

Expungement orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (ORS 137.225; ORS 419A.269).

803.8 SECURITY BREACHES

In the event of an unauthorized acquisition of personal information, the Sheriff or the authorized designee shall ensure that an investigation into the breach is made and applicable steps pursuant to ORS 646A.602 et seq. are taken.

Required notice shall be made as follows (ORS 646A.604):

(a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, but not later than 45 days after becoming aware of the breach, unless the notice impedes a criminal investigation.

1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for the person providing the notice; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General, and the Federal Trade Commission.

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(b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.

(c) Provide substitute notice if notification would cost more than $250,000 or if there were more than 350,000 individuals whose personal information was breached.

(d) If notification is required to be made to more than 1,000 individuals, the Lincoln County Sheriff's Office should also notify consumer reporting agencies.

(e) Provide notice to the Oregon Attorney General if the breach involves the personal information of more than 250 people along with a copy of any notice sent to individuals whose personal information was affected.

(f) Document when a breach of security is unlikely to cause any harm and does not require notification. In these cases, the documentation shall be maintained for at least five years.

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Lincoln County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Lincoln County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Lincoln County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Driver and Motor Vehicle Services Division (DMV) records, and Law Enforcement Data System (LEDS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. Lincoln County Sheriff's Office

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Lincoln County Sheriff's Office policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.4.1 ACCESS TO OREGON STATE POLICE OFFENDER INFORMATION

Access to Oregon State Police (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Services Director for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Support Services Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

An individual may review his/her local record on file with the Office under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This office will not release information originated by any other agency (ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

804.7.1 LEDS TRAINING
All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member’s duties. Each member who operates a terminal to access LEDS must be re-certified by the Office every two years (OAR 257-015-0050).

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Computers and Digital Evidence

805.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, deputies should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

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(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

805.2.1 BUSINESS OR NETWORK COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners.

805.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

805.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request Property Control to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

805.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

805.5 DIGITAL EVIDENCE RECORDED BY DEPUTIES

Deputies handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

805.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

805.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras:

(a) As soon as possible following the collection of evidence, deputies should remove the recording media (smart card, compact flash card or any other media) from their digital camera and copy the images from the memory card using appropriate storage media. Upon completion of the transfer, the storage media shall be submitted into evidence following procedures outlined in policy number 804.3.1.

(b) Once it is verified that the images are properly transferred to the storage media, the deputy will erase the memory card for reuse. The storage media shall be marked as the original.

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805.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory (including the in-car video systems and digital voice/video recorders) must be downloaded to storage media. The following procedures are to be followed:

(a) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

805.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Animal Services

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 ANIMAL SERVICES RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Services and include the following:

(a) Animal-related matters during periods when Animal Services is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Services is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding personnel generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal or transport the animal to the Lincoln County Animal Shelter. The disposition of the animal should be noted in a report.

    (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

    (b) With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

    (c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to the animal shelter.

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806.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of the Lincoln County Sheriff's Office, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency & Critical Care Services Clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

    1. When the need to euthanize a seriously injured or dangerous animal exists, the Firearms Policy shall be followed. The decision to euthanize a seriously injured animal will rest with the supervisor.

(d) Injured wildlife should be referred to the Marine Mammal Center, Oregon Department of Fish and Wildlife or the Oregon State Police, as applicable.

(e) When handling dead or injured animals sheriff's office employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented to include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

806.6 POLICY

It is the policy of the Lincoln County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to those cited in ORS 133.379 (animal abuse, animal neglect). An animal services deputy may request a certified

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patrol deputy to assist with the investigation. If a search warrant is needed, the animal service deputy will request a certified deputy for assistance. The certified deputy must sign the search warrant.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

(c) Members who lawfully seize an animal shall comply with the notice requirements of ORS 167.345.

806.8 ANIMAL BITE REPORTS

Deputies shall obtain as much information as possible for forwarding to the animal services deputies for follow up. An Animal Bite Report Form must be completed and attached to the incident report with a copy forwarded to the County Health Department.

Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property for 10 days, or, have the animal impounded and transported to the animal shelter for the quarantine period. If the animal is a stray, every effort shall be made to capture and impound the animal immediately.

806.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the animal shelter.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

806.13 RESCUE OF ANIMALS IN VEHICLES

A member who has a good-faith belief that entry into a motor vehicle is necessary because a domestic animal inside the vehicle is in imminent danger of suffering harm may enter the vehicle to remove the animal (ORS 30.813). Members should:

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(a) Determine that the motor vehicle is locked or there is no other reasonable method for the animal to exit the vehicle.

(b) Make a reasonable effort to locate the owner before entering the vehicle.

(c) Take steps to minimize damage to the vehicle, using no more force than necessary to enter the vehicle and remove the animal.

(d) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(e) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Office of the member involved in the rescue.

(f) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

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Animal Shelter Procedures

807.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office is dedicated to providing a safe haven for abandoned, lost, and abused and neglected animals; to educate the public on animal welfare issues; and to protect animal welfare and public safety by enforcing Oregon's anti-cruelty and animal control laws. The Sheriff Office operates the animal shelter in a professional manner incorporating sound techniques of kennel science, disease control, sanitation, humane care, and customer service as set forth in these policies and shelter procedures..

807.2 ANIMAL HANDLING AND CARE

All animals will be treated in a humane manner. Employees will not use more restraint than is reasonably necessary under the circumstances to prevent injury to any person or animal. All animals will receive proper medical care; appropriate diet and clean water; clean, sanitary, and comfortable kennels; and exercise, socialization, and enrichment.

807.3 RECEIVING STRAY ANIMALS

Animal Shelter staff, or impounding deputies or officers, must obtain all information on the Intake/ Redemption Form including information about the finder, the animal, the location the animal was found, any information about a possible or known owner and their contact information, and a signature from the finder.Impounded dogs will be held for five days (120 hours) if they have identification, and three days (72 hours) if no identification can be determined before being adopted, transferred, or euthanized. If an animal is brought to the shelter with an identification tag, microchip, or current license, the Shelter staff will attempt to notify the owner by phone and mail. A dog or cat who has bitten a person must be quarantined for no less than ten (10) days from the date of the bite. At the end of the quarantine time, a dog may not be released from the shelter until ordered by the County Court, or authorized by the Animal Services Deputy or the impounding Officer of record. Any animal deemed by the shelter staff to be severely injured, medically unstable, dangerous, or present a threat to the health of the current shelter population may be humanely euthanized to prevent further pain, suffering, or danger to the shelter animals or staff.

807.4 RECEIVING OWNER SURRENDERED ANIMALS

An animal surrendered by their lawful owner or agent becomes the property of the Lincoln County Animal Shelter upon intake. Shelter staff will make reasonable efforts to obtain information about the animal's behavior and veterinary history. Owners/agents surrendering their animal(s) must sign a written release and pay owner surrender fees as set forth in the Lincoln County Fee Schedule.

807.5 ANIMAL REDEMPTION

Animals being redeemed will only be released to the legal owner or their agent. Owners/agents may be asked to present identification and pay the appropriate impound and boarding fees as set forth in the Lincoln County Fee Schedule. If the dog is not currently licensed in the county, the owner/agent must provide proof of rabies vaccination at the time of redemption to purchase a

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license. If the dog does not have a current rabies vaccination, the owner/agent will need to pre-purchase a license and provide proof of rabies vaccination within 15 days.

807.6 LOST OR FOUND ANIMALS

Employees will record lost and found reports in the shelter database and will make all reasonable efforts to reunite owners with their pets.

807.7 ANIMAL LICENSING

All dogs living in the state of Oregon are required by law to be vaccinated against rabies. All dogs living in Lincoln County are required by law to be licensed at six (6) months of age (or when permanent canines appear) or within thirty (30) days of becoming a Lincoln County resident. The licensing fees are set forth in the Lincoln County Fee Schedule.

807.8 EUTHANASIA

Animals may be humanely euthanized when they have medical conditions that are untreatable or pose an extreme risk to the existing shelter population, or have behavior issues that are untreatable or unsafe for the community.

Animal owners may request euthanasia for medical or unmanageable behavior reasons upon payment of fees set forth in the Lincoln County Fee Schedule.

All euthanasias must be performed by a Certified Euthanasia Technician (CET), or CET in training with a CET in attendance,in accordance with shelter procedures.

807.9 VOLUNTEERS

Potential volunteers, including those interested in fostering, must fill out an application. Upon receipt, Support Services will complete a basic background investigation and return the application to the Shelter. Approved volunteers will attend an orientation session and receive training from shelter staff or from an experienced volunteer. If the application is denied, the applicant will be notified.

807.10 SAFETY

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Lincoln County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any County owned vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched.

900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Lincoln County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted

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by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Lincoln County Sheriff's Office identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4.3 RECEIPT FOR PROPERTY OR MONEY

The deputy or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

900.5 STRIP SEARCHES

No individual in temporary custody at any Lincoln County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Supervisor authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

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(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Supervisor’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any office members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.8 CLOSED CONTAINER SEARCHES

The Lincoln County Sheriff's Office has determined that there is a serious, imminent risk to public safety associated with transporting and storing items of personal property in possession of a person taken into police custody when that personal property has not been inventoried.Transporting or storing un-inventoried property in County vehicles or in Jail facilities puts staff, inmates and public property at risk by allowing the intentional or unintentional introduction of person property that contains toxic, explosive, hazardous or flammable substances, or weapons.No closed containers in possession of a person taken into custody should be transported or stored in Lincoln County facilities or vehicles unless it is inventoried.

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In order to balance the need to ensure public safety with privacy rights of persons taken into custody, this policy allows a person to turn their property over to a third party present at the scene where they are taken into custody.

All closed containers in possession of a person taken into custody or transported will be inventoried.

900.9 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

900.10 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Prison Rape Elimination

901.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Lincoln County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

901.2 POLICY

The Lincoln County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Lincoln County Sheriff's Office will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

901.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Lincoln County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Lincoln County Sheriff's Office prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents” or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

901.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

901.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Supervisor any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

901.4.2 PATROL SERGEANT RESPONSIBILITIES

The Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

901.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Lincoln County Sheriff's Office.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

901.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

901.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Personnel Director. The Sheriff or Personnel Director shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

901.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

901.7 REVIEWS AND AUDITS

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901.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

901.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Sheriff and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Lincoln County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

901.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

901.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Lincoln County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Lincoln County Sheriff's Office provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

(a) Establishment of a written recruitment plan.

1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(f) Employee referral and recruitment incentive programs.

(g) Consideration of shared or collaborative regional testing processes.

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The Administration Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)

1. The personnel records of any applicant for deputy or reserve deputy shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (ORS 181A.667).
2. Employment information from another law enforcement agency is confidential and may not be disclosed except as provided in ORS 192.355. The information received may only be used for investigative leads and shall be independently verified (ORS 181A.668).

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320

(g) Local, state, and federal criminal history record checks

(h) Medical and psychological examination (may only be given after a conditional offer of employment)

(i) Review board or selection committee assessment

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(j) Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN PREFERENCE
Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Lincoln County Sheriff's Office (OAR 259-008-0015).

1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Division Commander should not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

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1000.5.4 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES
Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

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(a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date

(b) Be at least 21 years of age

(c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(d) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
4. Any offense that would subject the candidate to a denial or revocation of a peace officer license

(e) Meet the moral fitness standards

(f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree

(g) Complete a medical examination

(h) Meet the physical standards requirements

(i) Complete a psychological screening (ORS 181A.485)

(j) Complete a law enforcement skills proficiency test

1000.8 JOB DESCRIPTIONS

Each Division Commander should ensure that a current job description is maintained for each position in the division.

1000.9 PROBATIONARY PERIODS

Each Division Commander should coordinate with the Lincoln County Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The office’s employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Lincoln County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.2.1 ANNIVERSARY DATES

A new or promoted employee's anniversary date is the first of the month following six full calendar months of service in that class and then yearly on this date thereafter.

For purposes of this section, the term "anniversary date" means the date assigned to an employee for eligibility of step increases within the pay range of the employee and is not the same as years of service or seniority.

For reclassifications, demotions, or transfers the employee's anniversary date will remain unchanged.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All certified and Non-certified supervisory personnel should attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisor should document this discussion in the prescribed manner.

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Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.3.1 RESERVE DEPUTY EVALUATIONS
Reserve deputy evaluations are covered in the Reserve Deputies Policy.

1001.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to two types of performance evaluations:

Regular - Evaluations shall be completed on or before the employee's anniversary date.

Special - A special evaluation may be completed any time the rater and the rater's supervisor(s) feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor(s) should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor(s) and employee will sign and date the evaluation. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

1001.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

1001.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander

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shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given. The Sheriff is the final reviewer and must sign off on the evaluation.

1001.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

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Promotional and Transfer Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the Lincoln County Sheriff's Office and the processes to be followed.

1002.1.1 DEFINITIONS

Promotion - Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

Transfer - Assignment to a different work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Sheriff. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

1002.1.2 CERTIFIED NON-SUPERVISORY ASSIGNMENTS

The following positions are considered assignment transfers and are not considered promotions. This list is not all inclusive of the various assignments within this Sheriff's Office:

(a) SWAT Deputy

(b) Interagency Crash Team

(c) Field Training Officer

(d) Marine Deputy

(e) Forest Deputy

(f) Community Relations/Training Officer

(g) Court/transport Deputy

(h) Detective

(i) Canine Handler

1002.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity.

2. Stress tolerance

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3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership
6. Initiative
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives in a positive manner.

1002.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Years of experience suitable for the assignment/position as determined by the Sheriff or Division Commander at the direction of the Sheriff.

(b) Non-probationary employee

(c) Has shown an expressed interest in the position applied for

(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

(e) Complete any training required by the Department of Public Safety Standards and Training or law

1002.3 SELECTION PROCESS

The following criteria apply to transfers.

(a) A memorandum from the employee will be addressed to their supervisor requesting transfer or consideration for promotion.

(b) The memorandum will include the reason for requesting the desired position and why the employee believes they are qualified for the position.

(c) The supervisor will review the request to ensure the employee meets the requirements for the assignment/position.

(d) The supervisor will advise the employee if they meet the minimum requirements prior to forwarding the request to their Division Commander.

(e) The Division Commander will notify the employee in writing to affirm his/her participation in the selection process.

(f) The Division Commander's decision to forward or not forward an employee's request for consideration is final.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1002.4 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the Lincoln County Personnel Department. Promotions will be determined in accordance with the following procedures:

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(a) A memorandum from the employee will be addressed to their supervisor requesting transfer or consideration for promotion.

(b) The memorandum will include the reason for requesting the desired position and why the employee believes they are qualified for the position.

(c) The supervisor will review the request to ensure the employee meets the requirements for the position.

(d) The supervisor will advise the employee if they meet the minimum requirements prior to forwarding the request to their Division Commander.

(e) The Division Commander will notify the employee in writing to affirm his/her participation in the selection process.

(f) The Division Commander's decision to forward or not forward an employee's request for further consideration is final.

(g) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:

1. Written exam
2. Oral Board
3. Specific skill testing
4. Assessment Center
5. Interview with the Sheriff

The Sheriff will make the final selection.

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Reporting of Arrests, Convictions, and Court Orders

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Lincoln County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1003.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ORS 107.095(5); ORS 166.255; ORS 166.270; ORS 166.527).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1003.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

OAR 259-008-0300 prohibits any person convicted of a felony and certain other crimes from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1003.4 REPORTING

All members and all retired deputies with identification cards issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired deputies with identification cards issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if they become the subject of a domestic violence restraining order or any court order that prevents

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the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable DPSST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1003.5 DEPARTMENT OF PUBLIC STANDARDS AND TRAINING (DPSST) NOTIFICATION

A deputy or dispatcher who is arrested or who receives a criminal citation to appear, or its equivalent, shall notify DPSST in writing within five business days of the following (OAR 259-008-0010; OAR 259-008-0011):

(a) The date of the arrest or citation

(b) The location of the arrest or citation

(c) The reason for the arrest or citation

(d) The arresting or citing agency

1003.6 POLICY

The Lincoln County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Office.

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Lincoln County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect members from retaliation who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

Oregon law protects employees who disclose or threaten to disclose information that the employee reasonably believes is evidence of (ORS 659A.203):

(a) A violation of federal, state, or local law, rule, or regulation.

(b) Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

(c) A person who is receiving public assistance is subject to a felony or misdemeanor warrant.

Employees are encouraged to report such violations or disclosures of information through the chain of command (ORS 659A.221; ORS 654.062).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Supervisor for investigation pursuant to the Personnel Complaints Policy.

1004.8 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Court Actions Involving Employees

1005.1 PURPOSE AND SCOPE

This policy outlines the actions of a member of the Lincoln County Sheriff's Office in the event they are subjected to civil or criminal enforcement action from a law enforcement authority or other governmental agency with enforcement authority, or private process server.

1005.2 POLICY

It is the policy and expectation of the Lincoln County Sheriff's Office that all members comply with state, national, and local codes and laws.

1005.3 CONTACTING A SUPERVISOR

(a) Members are required to contact a supervisor of this department under the following circumstances:

1. Upon receipt of a citation or summons for a traffic crime, traffic violation, or other violation;
2. Upon arrest for a violation or crime;
3. Receipt of a Restraining Order;
4. Upon any other court action, criminal or civil, as a result of code or law enforcement action.

1005.4 PROCEDURE

(a) When an employee is involved in any court action they will contact a supervisor as soon as practical and advise them of the circumstances involving the enforcement or court action.

(b) This policy does not apply to subpoenas, or other orders to appear, as a result of employment with this office.

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1006.7 SCREENING TESTS

A supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.

(d) During the performance of the employee's duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

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(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE
An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Sheriff's Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening test and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement (ORS 653.606; ORS 653.611).

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act, or leave related to protections because of domestic violence, harassment, sexual assault, bias crimes, or stalking (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

1007.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ORS 653.616; OAR 839-007-0020).

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

1007.3.1 NOTIFICATION

All members should notify the Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the Office (ORS 653.621; OAR 839-007-0040).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Director as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected office operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

1007.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (ORS 653.626; OAR 839-007-0045).

Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days (ORS 653.626; OAR 839-007-0045).

When a verification from a health care provider is required, the Office shall pay reasonable costs, including lost wages, associated with obtaining the verification that are not paid under the member's health benefit plan (ORS 653.626).

1007.6 REQUIRED NOTICES

The Human Resources Director shall ensure that each employee is provided written notice of the following (ORS 653.631; OAR 839-007-0050):

(a) Accrued and unused sick time available at least quarterly.

(b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

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Vacation and Comp Time Off

1008.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide members with guidelines for scheduling vacation and comp time off.

1008.2 PROCEDURE

If an employee desires vacation/comp time off they will submit an overtime/time off form to their supervisor indicating the dates desired off. The supervisor will take the following into consideration when deciding to deny or approve the time off request:

(a) The Collective Bargaining Agreement and related Memorandum(s) of Understanding (MOU).

(b) Vacation and comp time off will be administered by the work unit.

(c) The employee submitting the time off request first shall have preference.

(d) Comp time is to be taken at times mutually convenient to the employee and the Sheriff.

1008.3 HARDSHIP

If an employee is denied time off by a supervisor and this creates an undo hardship for the employee, they may make a written request to the division commander requesting an exception to the time off rule. The written request should state the hardship and reason for requesting time off. The division commander will consider the request on a case-by-case basis and may deny the request for any reason.

The employee should consider a shift trade prior to using the hardship exception.

1008.4 NOTIFYING COURTS

It is the responsibility of the employee to notify the district attorney's office and courts of any scheduled time off.

1008.5 CANCELING TIME OFF

If an employee wishes to cancel an approved time off request they should notify their supervisor.

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Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Lincoln County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1009.2 POLICY

The Lincoln County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1009.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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3. Exposure control mandates in 29 CFR 1910.1030 including bloodborne pathogen precautions (OAR 437-002-0360).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Division (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1009.4 EXPOSURE PREVENTION AND MITIGATION

1009.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.

(b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1009.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; OAR 437-002-0360).

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Other preventive, no-cost immunizations shall be provided to members who are at risk of contracting a communicable disease if such preventive immunization is available and is medically appropriate. A member shall not be required to be immunized unless such immunization is otherwise required by federal or state law, rule or regulation (ORS 433.416).

1009.5 POST EXPOSURE

1009.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1009.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1009.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

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(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1009.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

1009.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).

(c) Petitioning for a court order to compel source testing for HIV or other communicable diseases as defined by ORS 431A.005, if a good faith effort to obtain voluntary consent is requested from the source person and not obtained (ORS 433.080; ORS 431A.570).

(d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1009.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1009.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

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(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Lincoln County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The Lincoln County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all facilities, buildings and vehicles, and as is further outlined in this policy (ORS 433.845; ORS 433.850).

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Military Leave

1011.1 PURPOSE AND SCOPE

It is the purpose of this policy to advocate participation in the military as citizen soldiers through membership in the nation's Guard and Reserve units, recognizing and enforcing the provision of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

1011.2 PROCEDURE

Military leave shall be granted in accordance with the Oregon Revised Statutes.

Military Leave Program-The Military Leave program will assist manager and supervisors in supporting employees and their families who serve in the Guard and Reserve.

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Personnel Complaints

1012.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Lincoln County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1012.2 POLICY

The Lincoln County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1012.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1012.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Administrative Lieutenant, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Administrative Lieutenant, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1012.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1012.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1012.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the deputy facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1012.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

The supervisor receiving the complaint will notify the Administrative Lieutenant of the complaint. The Administrative Lieutenant will review the content of the complaint and assign an appropriate supervisor to investigate the allegations. The Administrative Lieutenant will oversee the investigative process and coordinate with the investigating supervisor.

1012.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in the Guardian Tracking personnel module to record and track complaints. The Guardian Tracking entry shall include the nature of the

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complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1012.5.1 COMPLAINTS ALLEGING PROFILING

Complaints related to profiling should be clearly marked to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

1012.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1012.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    (a) The original complaint form will be directed to the Administrative Lieutenant, via the chain of command, who will assign the investigation to the appropriate supervisor or determine who will have responsibility for the investigation.
    (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Administrative Lieutenant or the Sheriff, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Administrative Lieutenant and Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Administrative Lieutenant for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

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(f) Forwarding unresolved personnel complaints to the Administrative Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

(k) Providing the complainant with periodic updates on the status of the investigation, as appropriate.

1012.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Supervisor, the following applies to public safety officers covered by the provisions of ORS 236.350 through ORS 236.360 (ORS 236.370).

(a) Interviews of an accused public safety officer shall be conducted during reasonable (normal waking) hours and preferably when the public safety officer is on-duty, unless the seriousness of the investigation requires otherwise. If the public safety officer is off-duty, the public safety officer shall be compensated.

(b) Unless waived by the public safety officer, interviews of an accused public safety officer shall be at the Lincoln County Sheriff's Office or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused public safety officer.

(d) The interviewers shall inform the public safety officer of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.

(e) Prior to any interview, a public safety officer should be informed of the nature of the investigation and of facts reasonably sufficient to inform the public safety officer of the circumstances surrounding the allegations under investigation.

(f) All interviews should be for a reasonable period and the public safety officer's personal needs should be accommodated.

(g) No public safety officer should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

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(h) Any public safety officer refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A public safety officer should be given an order to answer questions in an administrative investigation that might incriminate the public safety officer in a criminal matter only after the public safety officer has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the public safety officer may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from a public safety officer may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(i) The interviewer should record the interview and the public safety officer may also record the interview. If the public safety officer has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the public safety officer prior to any subsequent interview.

(j) All public safety officers subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved public safety officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) In a disciplinary or administrative investigation, the public safety officer's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the public safety officer to the representative for purposes of the representation.

(l) As soon as it is determined that the public safety officer may be charged with a criminal offense, the public safety officer shall be informed of the public safety officer's right to consult with criminal defense counsel with respect to the criminal charge.

(m) All public safety officers shall provide complete and truthful responses to questions posed during interviews.

(n) No public safety officer may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1012.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

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Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1012.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1012.6.5 COMPLETION OF INVESTIGATIONS

The Administration Supervisor shall ensure that investigations are completed and public safety officers are provided notification of intended discipline no later than six months from the date of the first interview. The Sheriff or the Administration Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the Office gives written notice explaining the reason for the extension to the public safety officer and the public safety officer's chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

(a) The investigation involves a public safety officer who is incapacitated or unavailable.

(b) The investigation involves an allegation of workers' compensation or disability fraud by the public safety officer.

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(c) The public safety officer, in writing, waives the limit.

(d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.

(e) The investigation involves more than one public safety officer and requires a reasonable extension of time.

(f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.

(g) The investigation involves a matter in civil litigation in which the public safety officer is a named defendant or the public safety officer's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.

(h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

1012.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1012.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1012.8.1 ANNUAL REVIEW OF PERSONNEL COMPLAINTS

During February of each year, the Division Commander or his/her designee shall provide to the Sheriff an annual report of personnel complaints from the preceding year. The report will focus on complaint trends as well as training needs and needed policy changes. Specific detail, including items such as officer names, case numbers and location of occurrence, is not needed for this purpose and therefore will not be part of this process.

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1012.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Lincoln County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1012.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1012.10.1 CORPORAL RESPONSIBILITIES

Corporals are authorized to impose verbal or written reprimands at their level without prior approval from superiors. All other potential discipline will be forwarded to a Sergeant.

1012.10.2 SERGEANT RESPONSIBILITIES

Sergeants are authorized to impose any discipline up to a three month, one step demotion in pay without prior approval from a Division Commander, or with Division Commander consultation Sergeants may impose any discipline up to and including termination.

The investigating Sergeant may impose verbal or written reprimands. If the investigating Sergeant considers possible discipline above a verbal or written reprimand, the completed investigation will be forwarded to a Division Commander. The Division Commander will decide to either review the investigation or assign it to a different Sergeant for disciplinary consideration.

In the event disciplinary action is considered, the Sergeant or Division Commander shall provide the employee with written notice of the following information:

(a) Specific charges set forth in separate counts, describing the conduct underlying each count

(b) A statement that the employee has been provided with or given access to all of the materials considered by the Sergeant or Division Commander in the disciplinary decision.

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(c) An opportunity to respond orally or in writing to the Sergeant or Division Commander within five days of receiving the notice

1. Upon a showing of good cause by the employee, the Sergeant or Division Commander may grant a reasonable extension of time for the employee to respond.
2. If the employee elects to respond orally, the presentation shall be recorded. Upon request, the employee shall be provided with a copy of the recording.

The Sergeant or Division Commander may return the investigation to the investigating supervisor for further action. Once the Sergeant or Division Commander is satisfied that no further investigation or action is required, the Sergeant or Division Commander shall determine the amount of discipline, if any, to be imposed.

The Sergeant or Division Commander must meet with the employee prior to making any disciplinary decision above a written reprimand and provide the employee an opportunity to respond orally or in writing within five days of the meeting.

1012.10.3 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Division Commander shall review the recommendation and all accompanying materials. The Division Commander may modify any recommendation and/or may return the file to the supervisor for further investigation or action.

Once the Division Commander is satisfied that no further investigation or action is required by staff, the Division Commander shall determine the amount of discipline or forward to the Sheriff for further consideration, if any that should be imposed. In the event disciplinary action is proposed, the Division Commander or Sheriff shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Division Commander in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Division Commander within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Division Commander may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Division Commander or Sheriff shall consider all information received in regard to the recommended discipline. The Division Commander or Sheriff will render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Division Commander or Sheriff has issued a written decision, the discipline shall become effective.

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1012.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint and may provide a written summary of the information obtained in the investigation as the Sheriff finds necessary to explain the action taken (ORS 181A.674).

If the complaint is related to profiling, the complainant shall be notified in writing with a statement of the final disposition within a reasonable time after the conclusion of the investigation (ORS 131.920).

1012.10.5 PRESUMPTIVE DISCIPLINARY SANCTIONS
For deputies, the Sheriff shall impose the presumptive sanction for the types of misconduct described in OAR 265-010-0001 et seq. but may depart from the presumptive sanction through application of the prescribed aggravating or mitigating factors (OAR 265-005-0030; OAR 265-010-0035). The Sheriff shall document the decision to impose a sanction other than the presumptive sanction, including the reasoning and any aggravating or mitigating factors (OAR 265-005-0030).

1012.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sergeant or Division Commander after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sergeant or Division Commander to consider.

(d) In the event that the Sergeant or Division Commander elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sergeant or Division Commander on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Sergeant or Division Commander shall consider all information received in regard to the discipline. The Sergeant or Division Commander shall thereafter render a timely written decision to the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

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1012.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1012.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1012.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1012.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1012.16 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve deputieswill be investigated as outlined in this policy. The Sheriff or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

1012.17 NOTIFICATION TO THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Sheriff or the authorized designee should ensure DPSST is notified as follows:

(a) When an investigation of misconduct under ORS 181A.681 results in a sustained finding (ORS 181A.683).

(b) Within 10 days of a final discipline that includes an economic sanction with the following information (ORS 181A.686):

1. The name and rank of the deputy disciplined.
2. The name of the Lincoln County Sheriff's Office.

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3. A copy of any final decision including the underlying facts and the imposed discipline.

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Safety Belts

1013.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in County owned vehicles.

1013.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1013.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1013.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (ORS 811.210).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1013.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any county vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of safety belts (ORS 811.215(6)).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1013.5 INOPERABLE SAFETY BELTS

County vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

County vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

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Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1013.6 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORS 811.210).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1013.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1013.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1014.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1014.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1014.3 ISSUANCE OF BODY ARMOR

The supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Lincoln County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1014.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) All Deputies are required to wear issued body armor when in uniform.

1. A supervisor may authorize a deputy to not wear their body armor when circumstances exist that it would jeopardize the deputy's safety.

(a) Deputies in uniform will have the vest immediately available at all times when it is not worn.

2. A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(b) Deputies shall only wear agency-approved body armor.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) All members of the Sheriff's Office will wear body armor when participating in Sheriff's Office sanctioned firearms training.

(e) All members of the Sheriff's Office will wear body armor when engaged in high risk, pre-planned incidents, to include all search warrant executions.

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(f) The wearing of the protective vest is strongly encouraged, but not required for ceremonial purposes.

1014.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic inspections.

1014.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1014.4 RANGEMASTER RESPONSIBILITIES
The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

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Personnel Records

1015.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1015.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

1015.3 OFFICE FILE

The office file shall be maintained as a record of a person’s employment/appointment with this office. The office file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (ORS 652.750).
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment (ORS 652.750). Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1015.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

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notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the deputy prior to being placed in the file in accordance with ORS 652.750.

1015.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; education; and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1015.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Supervisor in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

- Not sustained
- Unfounded
- Exonerated

1015.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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(f) Drug testing records.

Medical records relating to hazard exposure shall be retained for 30 years after separation and in accordance with the office established records retention schedule (29 CFR 1910.1020(d)).

1015.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure as provided in this policy, according to applicable discovery procedures, state law or with the member's written consent.

Nothing in this policy is intended to preclude review of personnel records by the Personnel Director, County Counsel or other attorneys or representatives of the County in connection with official business.

1015.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (ORS 181A.830).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1015.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records of a deputy who was employed at any time by the Office shall be released to a requesting law enforcement agency for the purposes of preemployment review (ORS 181A.667).

Except as provided by the Records Maintenance and Release Policy or pursuant to lawful process, no information about a personnel investigation of a deputy that does not result in discipline contained in any personnel file shall be disclosed to any unauthorized member or other persons unless (ORS 181A.830(4)):

(a) The deputy consents to disclosure in writing.

(b) The public interest requires disclosure of the information.

(c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.

(d) Disclosure is required by ORS 181A.667.

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(e) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the Office.

Audio or video records of internal investigation interviews of a deputy are confidential and shall not be released (ORS 192.385).

Photographs of a deputy shall not be disclosed without the written consent of the deputy (ORS 181A.830).

1015.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

A member or former member may request to review his/her personnel file. The request should be made to the Personnel Director. The Personnel Director should ensure that the member is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If a deputy believes that any portion of the material is mistakenly or unlawfully placed in the deputy personnel record, the deputy may submit a written request to the Sheriff that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Sheriff must respond within 30 days from the date the request is received. If the Sheriff chooses not to make any changes, the Sheriff shall ensure that a written response to the request is made. The Sheriff shall ensure that the request and response is placed in the deputy's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for office planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

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1015.10 RETENTION AND PURGING

Unless otherwise noted, personnel records shall be retained for a minimum of 10 years after separation and in accordance with the established records retention schedule (ORS 181A.667).

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Telephone and Address Change

1016.1 PURPOSE AND SCOPE

It is the purpose of this policy for employees to notify the Sheriff's Office if their telephone number or address changes.

1016.1.1 POLICY

It is the policy of this office that employees notify their supervisor, division commander, and administrative assistant of any address or telephone number change within one day of the change.

1016.2 TELEPHONE REQUIREMENT

Employees are required to have a telephone. Employees must answer their telephone. Employees will not use telephone answering machines, caller ID, or any other method to screen their calls in an attempt to prevent being contacted by a person from this office for any reason.

1016.3 RESIDENCY REQUIREMENT

Employees are required to reside within two hours of the Lincoln County Sheriff's Office The "two hours" will be based on driving time according to Google Maps.

Members residing outside Lincoln County will not take County vehicles home.

The Sheriff may grant exceptions to the residency requirement based on an employee hardship.

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Employee Commendations

1017.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Lincoln County Sheriff's Office and individuals from the community.

1017.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards, as outlined in policy number 1030.

1017.3 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1017.3.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1017.3.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

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(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1017.3.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Division Commander for his/her review. The Division Commander or designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Administrative Assistant for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the appropriate Division Commander. The documentation will be reviewed by the Division Commander and forwarded to the member's supervisor for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in the member's personnel file.

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Awards

1018.1 PURPOSE AND SCOPE

Exemplary performance and character of members that rise to a level above normal commendations will receive special recognition. This policy describes the different awards this Sheriff's Office will present to members who exhibit exemplary performance and the procedure for recommending an award.

1018.2 DEFINITIONS

Medal of Valor - The Medal of Valor is the most distinguished award presented to a member for an act of exemplary valor. The nominee must have demonstrated, in great degree, the qualities of selflessness, personal courage and devotion to duty. Factors for consideration of the nominee for this award include:

(a) The act involved the preservation of human life.

(b) The situation was extremely hazardous; the nominee evaluated the situation and took action, fully aware of the hazard.

(c) When the nominee acted, a strong possibility of death or serious physical injury existed.

(d) The nominee acted with good judgment, consistent with training, and within policy.

(e) The objective justified the risk.

Life Saving Award - The Life Saving Award is an award presented to a member for saving the life of another person. Factors for consideration of the nominee for this award include:

(a) The nominee understood the seriousness of the situation.

(b) The nominee acted purposely.

(c) The nominee did not carelessly create the situation causing the need for him or her to act.

(d) More likely than not, the person would have died had the nominee not acted.

(e) The nominee rescued a person from what would have otherwise become a life-threatening situation.

Distinguished Service Award - The Distinguished Service Medal is an award presented to a member who in the performance of his or her duties performs an act of outstanding or especially meritorious service while demonstrating selflessness, personal courage, and devotion to duty.

Sheriff's Office Member of the Year - The Sheriff's Office Member(s) of the Year is an award presented at the annual Law Enforcement Recognition Banquet to a member for outstanding performance during the year. Factors for consideration of the nominee for this award include:

(a) The nominee displayed exemplary service to the citizens during the entire year.

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(b) The nominee truly understands the mission and goals of the Sheriff's Office and demonstrated it throughout the year.

(c) The nominee was a positive influence, displayed outstanding character, and was an example to all members.

Citizen Awards - The Sheriff's Office recognizes the need to acknowledge acts performed by citizens, which directly assist or aid law enforcement officers in the performance of their duties. Awards that may be presented to citizens include:

Citizen Appreciation Award - The Citizen Appreciation Award is an award and/or letter presented to a citizen for outstanding service to the Sheriff's Office or any Sheriff's Office member. Factors for consideration of this award include:

(a) The service went above what is normally expected of a citizen.

Citizen Medal of Valor - The Citizen Medal of Valor is the most distinguished award presented to a citizen for an act of exemplary valor. The citizen must have demonstrated, in great degree, the qualities of selflessness and personal courage. Factors for consideration of the nominee for this award include:

(a) The act involved the preservation of human life.

(b) The situation was extremely hazardous; the nominee evaluated the situation and took action, fully aware of the hazard.

(c) When the nominee acted, a strong possibility of death or serious physical injury existed.

1018.3 RULE

(a) The Sheriff will have the final decision for issuing awards.

(b) Nominees for awards issued outside of this office will be presented up the chain of command to the Sheriff.

(c) Members receiving award bars for their awards may wear them on their uniform centered above their nametape.

1018.4 PROCEDURE

1018.4.1 THE PROCEDURE FOR THE MEDAL OF VALOR, LIFE SAVING AWARD, AND DISTINGUISHED SERVICE AWARD:

(a) Any member or citizen may nominate any Sheriff's Office employee for the Medal of Valor, Life Saving Award, or Distinguished Service Award.

(b) The supervisor of the nominee will receive the nomination.

(c) The supervisor will review the nomination and determine its accuracy.

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(d) If the supervisor agrees with the nomination and recommends the member for the award, the supervisor will provide the division commander with a written investigation of the incident.

(e) The division commander will review the incident and will forward the complete investigation to the Sheriff with a written recommendation for further consideration, if he or she agrees with the supervisor's recommendation.

(f) The Sheriff will make the final determination regarding justification for an award.

(g) Recipients of these three awards will receive a citation, plaque, and an award bar.

1018.4.2 THE PROCEDURE FOR THE SHERIFF'S OFFICE MEMBER(S) OF THE YEAR (LERB) AWARD:

(a) Nominations accepted in March for Sheriff's Office Member of the Year.

1. Nominations will be placed in the following categories:

(a) Enforcement Deputy of the year (including animal control)

(b) Corrections Deputy of the year

(c) Support staff employee of the year (this would include Support Services Division, warrants, receptionist, administrative, office specialist, cooks, medical, inmate counselor, and animal shelter staff)

(d) Volunteer of the year

(b) The supervisor of the nominee will receive the nomination.

(c) The supervisor will review the nomination and provide a written recommendation to the division commander.

(d) The division commander will review the supervisor's recommendation and will forward the nomination to the Sheriff for further consideration with a written recommendation, if he or she agrees with the supervisor.

(e) The Sheriff will make the final decision regarding the Sheriff's Office Member of the Year.

(f) The Sheriff or his/her designee will present the award to the member at the annual Law Enforcement Recognition Banquet.

1018.4.3 THE PROCEDURE FOR THE CITIZEN APPRECIATION AWARD AND THE CITIZEN MEDAL OF VALOR AWARD:

(a) Any member or citizen may nominate a citizen for an award.

(b) A supervisor will receive and review the nomination and provide a written recommendation to the division commander.

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(c) The division commander will review the supervisor's recommendation and will forward the nomination to the Sheriff for further consideration with a written recommendation, if he or she agrees with the supervisor.

(d) The Sheriff's Mounted Posse may be called upon to investigate the facts and nominate a citizen directly to the Sheriff.

(e) The Sheriff will make the final determination regarding justification for an award.

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Fitness for Duty

1019.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Office and the community. The purpose of this policy is to ensure that all members of this office remain fit for duty and able to perform their job functions.

1019.2 POLICY

The Lincoln County Sheriff's Office strives to provide a safe and productive work environment and ensure that all members of this office can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Office may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1019.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this office to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. In the event that a member believes that another office member is unable to perform assigned duties, such observations and/or belief shall be promptly reported to a supervisor.

1019.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform the member's duties due to an underlying physical or psychological impairment or condition

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility, or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1019.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the member's duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the supervisor's observations and actions in a written report and inform the Supervisor or the member's Division Commander.

1019.4.2 DUTY STATUS

In conjunction with the Supervisor or the member's Division Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the Supervisor or the member's Division Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy

The Sheriff shall be promptly notified in the event that any member is relieved of duty.

1019.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1019.5.1 PROCESS

The Sheriff, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Office with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Office will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

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Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

1019.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in a day (24 hour) period or
- 30 hours in any two-day (48 hour) period or
- 84 hours in any seven-day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1019.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy.

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Meal Periods and Breaks

1020.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Commission.

1020.1.1 MEAL PERIODS

Certified employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed deputies shall take their breaks within their assigned districts unless on assignment outside of the district. It is recommended that meal breaks be taken close to the middle of an employee's shift.

The time spent for the meal period shall not exceed the authorized time allowed.

1020.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the facility shall remain in the facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field take their breaks away from their vehicles, they shall do so only with the knowledge of the dispatcher.

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Lactation Breaks

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1021.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to 18 months after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; ORS 653.077).

1021.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; ORS 653.077; OAR 839-020-0051). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1021.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; ORS 653.077; OAR 839-020-0051).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1021.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1022.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

1022.2 POLICY

The Lincoln County Sheriff's Office maintains timely and accurate payroll records.

1022.3 RESPONSIBILITIES

Members are responsible for the accurate and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1022.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to the Finance Department as established by the County payroll procedures.

1022.5 RECORDS

The Finance Department shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1023.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee document the number of overtime hours worked and the reason for working the overtime electronically in the county time management system.

1023.1.1 SHERIFF'S OFFICE POLICY

Because of the nature of police work, and the specific needs of the Sheriff's Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Sheriff's Office.

Deputies will be granted overtime to complete an assignment involving an in-progress crime against persons or property, a motor vehicle crash resulting in injury or death, or requests to assist another officer. Supervisor approval is not required for these circumstances.

Overtime compensation will not be provided for animal complaints, noise complaints, cold property crimes, audible alarms, or crimes that are more than an hour old unless there is an identified suspect and there is reason to believe the suspect will return and/or continue to commit another crime, unless approved by a supervisor.

If you receive an assignment that does not meet the above criteria and will require overtime, you must contact a supervisor for authorization to work overtime.

An employee is not required to obtain prior authorization to work a scheduled holiday or when subpoenaed as a witness as a result of work performed by an employee of Lincoln County.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 120 hours of compensatory time.

1023.2 EMPLOYEE RESPONSIBILITY

Employees will record the number of overtime hours worked on their electronic time card. Employees will indicate in the "narrative" section of the electronic time card the time worked and reason for working the overtime.

1023.2.1 SUPERVISORS RESPONSIBILITY

The supervisor shall verify that the overtime was worked before approving the electronic time card.

1023.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status in the county time management system. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid.

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1023.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25 hour
16 to 30 minutes	.5 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

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Travel Expenses

1024.1 PURPOSE AND SCOPE

It is the policy of this office to reimburse employees for the actual cost of travel expenses while on official business outside Lincoln County.

1024.2 TRAVELING OUTSIDE OF THE COUNTY

(a) When an employee's duties require travel outside the county, the county agrees to reimburse the reasonable cost of lodging and meals (excluding alcoholic beverages).

1. The reasonable cost of lodging and meals is set by the county in the personnel rules.
2. Lodging arrangements will generally be pre-arranged prior to the event with supervisor approval.
3. On extended trips involving the purchase of breakfast, lunch and dinner, a daily aggregate rate will be reimbursed for all meals.

(b) When an employee is authorized to utilize the employee's personal vehicle in the performance of official County duties, the employee shall be compensated at a rate of not less than the IRS rate per mile.

1. Personal vehicle use will likely occur when a county vehicle is not assigned to, or is unavailable and must be approved by a supervisor.

1024.2.1 TRAVELING OUTSIDE OF THE STATE

Any out of state travel must be approved in advanced by the Board of Commissioners.

1024.3 REQUEST FOR PAYMENT

Employees will generally utilize county issued credit cards for purchases relating to travel expenses in accordance with county personnel rules. If an employee does not have a county issued credit card available for payment needs, a "Personal Expense Request for Payment" form shall be submitted to their supervisor.

Original receipts will be taped to a blank sheet of paper and attached to the form.

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Outside Employment

1025.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Sheriff's Office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1025.1.1 DEFINITIONS

Outside Employment - Any member of this Sheriff's Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Sheriff's Office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Sheriff's Office for services, product(s) or benefits rendered.

Outside Overtime - Any member of this Sheriff's Office who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Sheriff's Office so that the Sheriff's Office may be reimbursed for the cost of wages and benefits.

1025.2 OBTAINING APPROVAL

No member of this Sheriff's Office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must make a written request to the Sheriff through the chain of command. The request will then be forwarded through channels to the Sheriff for consideration.

In order to be approved, the outside employment must:

- Have supervisory approval through the chain of command.
- Not detract from the efficiency of the employee in county duties.
- Not take precedent over the requirements to be recalled to duty.
- Not be a discredit to county employment.
- Does not involve personal advantage gained from the employee's position with the county.
- Agree that there will not be a conflict of interest.
- Be renewed annually.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

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1025.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's request is denied or withdrawn by the Sheriff's Office, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

1025.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permission may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this Sheriff's Office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment request. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment

(b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment, an employee's conduct or outside employment conflicts with the provisions of Sheriff's Office policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a regular duty capacity due to an injury or other condition, any previously approved outside employment may be subjected to similar restrictions as those applicable to the employee's regular duties until the employee has returned to a full duty status

1025.3 PROHIBITED OUTSIDE EMPLOYMENT

The Sheriff's Office expressly reserves the right to deny any Outside Employment request submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of Sheriff's Office time, facilities, equipment or supplies, the use of the Sheriff's Office badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Sheriff's Office for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Sheriff's Office

(c) Involves the performance of an act in other than the employee's capacity as a member of this Sheriff's Office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Sheriff's Office

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(d) Involves time demands that would render performance of the employee's duties for this Sheriff's Office less efficient

1025.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

No member of this Sheriff's Office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this Sheriff's Office must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Sheriff"s Office.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the Sheriff's Office uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this Sheriff's Office.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1025.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Sheriff's Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1025.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

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1025.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Sheriff's Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Sheriff's Office or other agencies through the use of the employee's position with this Sheriff's Office.

1025.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should to report the change.

1025.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Sheriff's Office members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment, a notice of revocation of the outside employment will be forwarded to the involved employee.

Criteria for revoking the outside employment include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisers.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Lincoln County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the outside employment.

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Line Of Duty Death Or Serious Injury

1026.1 PURPOSE AND SCOPE

This policy establishes the procedures for responding to the serious injury or death of a member of the Lincoln County Sheriff's Office that occurs in the line of duty.

1026.1.1 POLICY

In the event of a serious injury, illness or death of an employee, it is the policy of the Lincoln County Sheriff's Office to provide appropriate emotional care for the seriously injured, ill or deceased employee's family. If the incident involves a line of duty death of an employee, funeral arrangements are to be decided by the family of the employee with their wishes taking precedence over those of the agency.

Although this policy is intended to address the line-of-duty death or injury of a certified deputy, many provisions, including death notification and family assistance, may be applicable to any Sheriff's Office employee regardless of whether or not the death is duty related.

1026.1.2 DEFINITIONS

Line of Duty Death - Any action, felonious or accidental, which claims the life of a Lincoln County Sheriff's Office employee who is performing work related functions either while on or off-duty.

Line-of-Duty Injury or illness- For the purposes of this policy a line-of-duty injury or illness shall be an injury or systemic illness serious enough that hospitalization or time away from the office is ordered by a physician for an indefinite period.

Beneficiary - Those designated by the employee as recipients of specific death benefits.

Benefits - Financial payments made to the family to assist with financial stability following the loss of a loved one.

Funeral Payments - Financial payments made to the surviving families of an employee killed in the line-of-duty which are specifically earmarked for funeral expenses.

Survivors - The immediate family members of the deceased employee.

Supervisor - A sworn law enforcement Deputy or officer with the rank of sergeant or above, or is the designated Deputy or officer in charge.

Confidential Critical Information form - A document completed by each employee to be used in the event of line of duty death or injury containing information to assist the Sheriff's Office In providing timely notification of family.

1026.2 APPOINTMENTS

(a) In the event an employee is seriously injured or killed in the line of duty and is admitted to a hospital, a supervisor will appoint an employee to be the Emergency Department Liaison (EDL).

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(b) In the event an employee is seriously injured or killed in the line of duty, a supervisor will appoint an employee as the Family Assistance Deputy (FAD). The FAD should be an employee of the office known and trusted by the family.

(c) In the event of a line-of-duty death an employee will be appointed as the benefits liaison

1026.2.1 CRITICAL INCIDENT INFORMATION FORM
A Confidential Critical Incident Information form will be completed by every employee of this office. The form will be sealed and kept in the Administrative Assistant's office.

1026.3 NOTIFICATION

(a) The name of the injured or deceased employee will be released by the Sheriff or his designee only after notification of the primary family members.

1. The employee's name will never be released to the media before immediate survivors are notified.

(b) The notification plan will be formulated using the most recent confidential critical incident information provided by the employee.

1. If there is knowledge of a medical condition with a primary survivor, medical personnel will be dispatched to the residence to coincide with the notification along with the notifying personnel.

2. Notification will always be made by two or more persons. The Sheriff, his/her representative, Chaplain, and/or pre-selected persons of the employee's choice will notify the family if time to assemble these persons exist. Delays in developing the appropriate notification team must be weighed against the importance of the timely notification of the primary family.

(a) If the above suggested persons are not readily accessible, notification shall be made by a supervisor on-duty. The opportunity to get the family to the hospital prior to the demise of the employee is significantly more important than who delivers the notification.

(b) If the family wishes to go to the hospital, they may be transported via Sheriff's Office vehicles. It is highly recommended the family not drive themselves to the hospital.

(c) If the primary survivors are not in close proximity to Lincoln County. A supervisor is permitted to assist in making transportation arrangements to Lincoln County, but may not assume responsibility for travel expenses without authorization of the Sheriff.

3. As soon as most families see you approach, they will know something is wrong.

(a) Ask to come into the house. Do not make a notification on the doorstep.

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(b) Gather everyone in the home and ask them to sit down.

(c) Inform them slowly and clearly of the information you have regarding the incident.

(d) It is important to use the employee's name during the notification.

4. If the employee has already died, relay that information. Do not give the family a sense of false hope.

5. Notifying personnel must be reassuring to the survivors. The most acceptable comment to newly bereaved people is something such as "I'm so sorry this has happened" and "The Sheriff's Office will do everything we can to help you through this".

6. If immediate survivors live outside the area, a supervisor will notify, by teletype or telephoning, the appropriate jurisdiction authority with details of the incident so they may give the personal notification.

7. If possible, the parents of the deceased or severely injured employee should also be afforded the courtesy of personal notification, as well as family support from the office.

1026.4 ASSISTING THE FAMILY AT THE HOSPITAL

(a) An Emergency Department Liaison (EDL) will be appointed by the supervisor to act as information liaison for medical personnel to the family of the employee and fellow officers.

1. It is recommended that the EDL be an employee who has a rapport with emergency department personnel and practices.

(b) The duties of the EDL include, but are not limited to the following:

1. The EDL will ensure the family is updated as soon as they arrive at the hospital;

2. The EDL will insure that pertinent information on the employee's condition is relayed on a timely basis.

3. The EDL shall advise fellow officers and family members of the hospital policy about visitation with the injured employee and/or visitation with the body following the demise.

4. The EDL should prepare the family for what they might see and accompany them to the hospital emergency department.

5. The EDL will be responsible for notifying the emergency admitting personnel that all medical bills relating to the care and treatment of the employee should be forwarded to the Sheriff's Office. Do not ask a family member to sign as guarantor of payment for treatment. Omit request for any insurance information.

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(c) If the injuries to the employee are likely fatal and it is possible for the family to visit the employee prior to death, they should be afforded the opportunity. There is definite need to touch and hold the body while there is still life, and being present when death occurs can be comforting to the family.

1026.5 FAMILY ASSISTANCE DEPUTY

The Family Assistance Deputy (FAD) will be appointed by the supervisor. The FAD should be an employee of the office known and trusted by the family. This is not a decision-making position, but is the role of the liaison between the surviving family and the Sheriff's Office. The FAD tends to the personal needs of the family. These duties may include:

(a) Being constantly available to the family. The FAD is responsible for assisting the family to meet whatever immediate needs the family may have.

(b) Assisting the Hospital Liaison, particularly ensuring proper billing arrangements have been made.

(c) Assisting the family with immediate needs such as arranging necessary transportation; being available at the family home, if requested, to screen telephone calls; coordinate requests from the media for interviews; assist with arranging child care; assist with arranging lodging for incoming family and friends, etc.

(d) Arranging for the family to meet with the funeral director.

(e) The family will be provided with access to other public safety survivors or other support groups to include, but not limited to Concerns of Police Survivors, Survivors of Homicide Victims, Compassionate Friends, Parents of Murdered Children, etc.

(f) Arranging with the Sheriff's Office or other law enforcement agency to provide periodic checks of the family home from the time of the incident until after the funeral.

(g) Arrange for packing of personal belongings and delivery to the family.

(h) Arrange for the return of Sheriff's Office owned equipment, uniforms, keys, etc.

(i) Arrange for a meeting with the County Benefits Manager.

1026.6 SUPPORT FOR THE FAMILY DURING A FUNERAL

(a) Unless initiated by the family, no discussion of funeral arrangements will occur until 24-hours have passed from the time of death.

(b) A command level employee will be designated to handle the media throughout this traumatic ordeal. In the event the family should decide to grant an interview, this employee would attend and offer to screen all questions presented to the family to guard against jeopardizing upcoming legal proceedings.

(c) An employee of this office will be assigned as the liaison for the family and the funeral director. Although the liaison should know the deceased employee and be aware of

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the family relationships, the liaison should not be so emotionally involved with the loss that he or she would become ineffective. The FAD may assume the role of the liaison. The duties of the liaison shall include, but not be limited to the following:

1. Insure the needs of the family come before the wishes of the Sheriff's Office;
2. Meet with the family and relate the duties of the liaison or allow the family to designate the person, if appropriate, they wish to perform the tasks;
3. Meet with the family regarding funeral arrangements;
4. The liaison will provide the family with a pager or cellular phone number to facilitate an immediate line of communication;
5. The liaison should become familiar with all information concerning the death and the continuing investigation in order to answer family questions;
6. The liaison will be constantly available to the family throughout this traumatic process;
7. The liaison will ensure surviving parents or surrogate parents are afforded recognition and will have proper placement arranged for them during the funeral and funeral procession;
8. If the funeral is a line-of-duty funeral, the liaison will ensure the family is briefed on the funeral procedure including the 21 gun salute, presenting the flag, playing of taps, etc. The family has the option of excluding any portion of the funeral procedure.

(d) Sheriff's Office vehicles and drivers will be made available to the family if they desire transportation to and from the funeral home.

1026.6.1 SHERIFF'S OFFICE ROLE IN FUNERAL PLANNING

(a) An itinerary will be developed identifying the sites, initial traffic routes, and basic services as requested by the family.

(b) Arrangements will be made to have the presence of an Honor Guard from another agency.

(c) Assignments for organization of activities will be made by the division commander. A media release may be necessary to give preliminary information on funeral plans.

(d) Prepare a memorandum from the Sheriff providing employees and participating parties with detailed information to include:

1. Timetable for each component of the funeral;
2. Key assignments;
3. Affirmation of the uniform of the day;

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4. Traffic and parking instructions;

(e) A walk through the day prior to the services with all participants is strongly suggested.

1. The funeral home may supply an empty casket for practicing with the color/honor guard, pallbearers and other participants;
2. Routes of entry and exit with the casket can be determined at this time;
3. A raised stage for the speakers, some VIP seating and the podium should be arranged;
4. The walk through should include determination of where the hearse/caisson will park, who will open/close doors, positioning of employees, marching with the color guard and the posting of colors, proper locations and times to salute, which directions to face, how items should be placed onto and removed from the casket, and a check of the sound system.

(f) Post funeral debriefing

1. A post funeral debriefing will occur and will be scheduled as soon after the funeral as reasonably possible.
2. The purpose of the debriefing is to evaluate every aspect of procedures contained in the manual to determine what worked well and what needs to be improved.
3. This policy may be revised depending upon recommendations received from this briefing.

1026.6.2 TRAFFIC MANAGEMENT

(a) Traffic management includes victim transport, family transport, escorts, parking and processions. When a line-of-duty death occurs, there will be numerous traffic management issues immediately arise. When coupled with the emotion of the event, providing traffic management for the hundreds of people likely to attend the funeral, the plan makes it manageable.

1. It is essential that a plan be developed that will provide clear direction to all involved.
2. The plan should be divided into the critical elements that when properly organized will minimize confusion and maximize success.
3. These elements are escorts, parking, and processions.

(b) Escorts

1. Motor escorts may be necessary for the safe, unimpeded travel of vehicles.

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2. In any motor escort scenario, the intended route needs to be planned prior to escort.

(c) Parking

1. It will be necessary to develop multiple parking plans for each venue.
2. It is essential that the vehicles be "grouped" to expedite the transition from the parking to the procession, and then back to parking.
3. Groupings may include: family, Sheriff's Office employees, VIP's, outside agencies, and general public.
4. Parking plans will be entirely dependent upon the site.
5. The office may elect to arrive at the funeral in a procession. A parking plan should be utilized to ensure that the procession will flow smoothly from the parking location, into the procession, and then back to parking.
6. The parking plan at the funeral location is critical to the smooth transition into the procession. Vehicles should be grouped in a manner that will allow the procession to be "built" per the plan.
7. The parking plan for the cemetery may be the most challenging as there is generally limited parking. Care must be taken to avoid gridlock that could extend several miles and cause lengthy delays. It will always be necessary to develop a site plan based upon prior visits to the cemetery.

(d) Processions

1. There may be a need for several processions to occur.
2. These processions will be built from the parking lot(s) according to a predetermined order by a supervisor.
3. A control point must be established for each vehicle group so the vehicles can be directed into the assigned place by the procession.
4. Employees staffing these control points must be well versed on the plan so they can cooperatively build the procession.
5. The following individuals should be part of a small procession that precedes the main funeral procession:

   Honor guard supervisor

   Funeral home flower vehicles

   Any ushers to be used at the graveside.

6. The funeral procession should be arranged in the following order;

   Motorcycle escorts (if available)

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Lead police vehicle

Chaplain/family clergy

Pallbearers/honor guard

Funeral coach

Family limo

Family cars

Policy vehicles

Other vehicles

Rear escorts

1026.7 SPECIAL PLANS AND CONSIDERATIONS DURING TRIAL

(a) Trials that occur months or even longer after the death of a deputy can bring back memories of the loss and renew the psychological trauma of that day. Trials, lasting weeks and even months, will require the Sheriff's Office to care for the victim's family and employees of the office.

(b) Prior to the trial, the family and Sheriff's Office must be kept advised and must be educated as to the coming proceedings.

1. As soon as a suspect in the death of an employee is identified the family should be linked with available Victim Witness Assistance services. Families need to be kept informed as to the court proceedings and trial dates.
2. The family must be fully briefed regarding the proceedings and details of the death not heretofore known to them prior to the trial to prevent them from learning these details during the trial. The family should not be surprised by anything they hear in the trial.

1026.8 SURVIVOR'S BENEFITS INFORMATION

(a) After a line of duty death occurs, an employee should be appointed as the benefits liaison.

(b) The benefits liaison should call the Public Safety Officer's Benefits (PSOB) office at 1-888-744-6513 and leave the following information:

1. The name and address of the agency.
2. The liaison's name and title.
3. Phone numbers for the department and liaison.
4. The liaison's e-mail address so the PSOB Office can send the claim initiation packet.

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5. The name and title of the deceased public safety officer.
6. The date of the incident and the deceased's date of death.
7. The cause of death and a brief description of the incident.

(c) Relay the information very carefully and include only what is known. If the cause of death is unknown, there should be no speculation.

(d) Leave a phone message with the liaison's name and telephone number if calling during the evening or on a weekend.

(e) After being informed of an incident by the department liaison or other sources, the PSOB Office will e-mail a claim initiation packet to the department liaison. After receiving the claim initiation packet, the liaison should:

1. Meet with the claimant as soon as possible to complete the Claim for Death Benefits and Report of Public Safety Officer's Death forms.
2. Ensure that the family provides a copy of the death notice.
3. Gather the other documentation requested in the claim initiation packet.

(f) The PSOB Office works closely with Concerns of Police Survivors (COPS) and the National Fallen Firefighters Foundation (NFFF), both of which provide an array of support services that may be helpful to the survivors immediately after a line-of-duty death. When the Consent To Release Confidential Information form is signed by the claimant and returned with the other requested documents, the PSOB Office will forward the claimant's name and address to the appropriate partner agency so that contact may be initiated.

(g) A checklist for filing a PSOB death claim can be found here: http://www.ojp.usdoj.gov/BJA/grant/psob/PSOBChecklist.pdf

(h) Once the processing is completed, the PSOB Office will send a letter notifying the claimant and department of the decision reached. Should the claim be denied, information on the appeals process also will be provided.

(i) For more information on line-of-duty death benefits, please see the following appendixes:

1. Line-of-Duty Death Benefits (federal)
2. State of Oregon Death Benefits
3. Lincoln County Death Benefits Summary

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Occupational Disease and Work-Related Injury Reporting

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1027.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An accidental injury or any disease or infection arising out of and in the course of employment that requires medical services or results in disability or death. The occupational disease (including a mental disorder) must be caused by substances or activities to which the member would not ordinarily be subjected or exposed except during employment with the Lincoln County Sheriff's Office (ORS 656.005(7); ORS 656.802).

1027.2 POLICY

The Lincoln County Sheriff's Office will address occupational diseases, mental health issues and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORS 656.001 et seq.).

1027.3 RESPONSIBILITIES

1027.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate. The member may choose a medical service provider, attending physician or authorized nurse practitioner for medical care (OAR 436-060-0010).

1027.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. The supervisor shall provide every injured member with a Report of Job Injury or Illness form (Form 801) immediately upon the request of the member or his/her attorney, or upon receiving notice or knowledge of an accident that may involve a compensable injury (ORS 656.265; OAR 436-060-0010).

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1027.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity and the administrative assistant to ensure any required Oregon Occupational Safety and Health

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Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the sheriff's office insurer no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010(3)).

1027.3.4 SHERIFF RESPONSIBILITIES

The Sheriff or designee shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member’s confidential medical file.

1027.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the administrative assistant .

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1027.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1027.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance - Certified Employees

1028.1 PURPOSE AND SCOPE

This policy establishes standards of personal appearance for DPSST certified employees.

1028.1.1 POLICY

Uniformity of dress and personal appearance is essential in maintaining public respect for the Sheriff's Office and in achieving efficiency, discipline, and self-confidence of uniformed employees. These regulations apply to all certified employees, in and out of the uniform, while on duty. This includes attendance at hearings, trials, and grand juries, unless requested otherwise by the District Attorney or Judge. This also includes attendance to all training functions.

1028.1.2 DEFINITIONS

Dental Art - Gem stones, unnaturally colored or shaped teeth, and other ornamentation that is temporary or permanently affixed to the teeth for the purposes of decoration or adornment.

Tattoo - Any scar, branding, mar or other permanent or long-lasting body art or modification deliberately placed on the body for purposes of decoration, ornament, or adornment.

1028.2 APPEARANCE STANDARDS

(a) Certified Employees

1. Hair shall be neatly trimmed, clean and of a color that naturally occurs in human hair. If hair length extends below the bottom of the collar and interferes with daily work or presents a safety issue, it must be pulled back away from the face, such as in a braid or ponytail. Any hair-restraining device worn shall blend with the hair color.
2. Certified employees shall be clean-shaven.
3. Facial hair that is well-groomed and closely trimmed, not exceeding one-half inch in length, is permissible.
    (a) A mustache is permissible, but shall be neatly trimmed and shall not extend below the corners of the mouth. Handlebar mustaches are prohibited.
    (b) Beards, including goatees, must not extend to the neck. Goatees must be worn with a mustache.
4. Sideburns (alone) shall be neatly trimmed, and shall not extend below the external opening of the ear.
5. Any jewelry shall be moderate, project a professional image and avoid creating a safety hazard. Earrings are allowed and shall be small in size and shall not extend more than 1/8 inch below the ear lobe. Piercing holes larger than those used for a small post earring must be closed or covered while at work or on duty. Nose rings are authorized but limited to one single stud or hoop worn on the exterior wall of the nostril. Hoops shall not extend more than 1/8 inch below the base of the nose.

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6. Wristbands - One may be worn but must not be offensive in nature.

1028.2.1 BODY ART AND MODIFICATIONS

(a) Tattoos

1. When representing the Sheriff's Office at a public event or other ceremony, every reasonable effort should be made to conceal tattoos or other body art.
2. Visible tattoos are not permitted on the neck, face, or head.
    (a) The neck, face and head area is considered to be the area above the clavicle.
3. Tattoos depicting racist, indecent, extremist, lawless or offensive themes are not permitted.
    (a) A tattoo is considered "offensive" if it depicts, describes or otherwise refers to sexual context, acts, organs or preferences; if it depicts, describes or refers to intolerance of or discrimination against any race, color, creed, religion, gender, national origin, ethnicity or it is commonly associated with any organization or group which advocate such intolerance or discrimination; or it brings discredit upon the agency or violates common standards of decency or morality.
4. Visible tattoos shall not be of a style, size, color or location that diminishes professional appearance or reflects poorly on the law enforcement profession or the agency.

(b) Visible dental art is not permitted while on duty.

(c) Employees may wear contact lenses of a natural eye color.

(a) Red, orange, silver and other unnaturally colored contact lenses or colors that create an unnatural eye color or graphic design are not permitted.

(d) The Sheriff or a designee may allow exceptions to this policy.

1028.3 DRESS STANDARDS

(a) Uniformed deputies will adhere to the requirements of Policy Manual §1032, Uniform Equipment.

(b) Court Attire

1. Formal business attire or LCSO uniform consisting of long-sleeve shirt, formal uniform pants, and tie is suitable for jury trials..
2. Business casual or uniform of the day is permitted for grand jury, traffic court and administrative hearings
3. Certified employees working in civilian attire will have the following equipment:
    (a) A firearm carried on the strong side in an approved black leather holster;
    (b) At least one extra magazine in an approved leather carrier;

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(c) At least one pair of handcuffs in an approved leather carrier;

(d) A badge displayed on the belt immediately forward of the firearm.

(c) Training

(a) Appropriate attire will be worn for the specific training being attended. Shorts and tank tops are never appropriate or permitted.

(a) Firearm/Defensive Tactics Appropriate clothing for the existing circumstances/weather conditions is permitted.

(b) Classroom All members attending training while on-duty will be in uniform.

(a) While attending training during shift hours, the uniform normally worn during that shift is permitted.

(b) While attending training on overtime, the regulation uniform will normally be required.

(c) Division Commanders may authorize members to wear professional business or casual business attire in lieu of the uniform.

1028.4 EXCEPTIONS

(a) Exceptions to §1029.2 may be approved by the Division Commander for special assignment.

(b) Exceptions to §1029.3 (a) & (b) may be approved by the Sergeant for special assignment or occasions and for severe or unusual weather conditions.

(c) All other exceptions will be submitted by memorandum and must be approved by the Division Commander.

(d) Appearance and clothing should always be neat and clean.

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Personal Appearance - Non-Certified Employees

1029.1 PURPOSE AND SCOPE

This policy establishes the standards for personal appearance for non-certified employees.

1029.1.1 POLICY

It is the policy of the Lincoln County Sheriff's Office that all employees will project a public image of professionalism and pride.

1029.2 STANDARDS

(a) Clothing and hairstyles, which create safety hazards, are prohibited.

(b) Employees working in a classification requiring a Class B uniform or above must meet the appearance standards outlined in Policy 1029.2(a)(b) "Personal Appearance - Certified Employees".

(c) Training - Appropriate attire will be worn for the specific training attended. Shorts and tank tops are inappropriate and not permitted.

1. Uniform Personnel

   (a) Defensive Tactics

      1. Wearing of the uniform is optional for animal services personnel. Appropriate clothing for this training is recommended.

      2. The support staff uniform will not be worn. Appropriate clothing for this training is recommended.

   (b) Classroom - All members attending training while on-duty will be in uniform or business casual attire.

2. Non-uniform Personnel - Professional business or casual business attire will be worn.

3. Division Commanders may authorize members to wear professional business or casual business attire in lieu of the uniform.

1029.2.1 BODY ART MODIFICATIONS

(a) Tattoos

1. When representing the Sheriff's Office at a public event or other ceremony, every reasonable effort should be made to conceal tattoos or other body art.

2. Visible tattoos are not permitted on the neck, face or head.

   (a) The neck, face and head area is considered to be the area above the clavicle.

3. Tattoos depicting racist, indecent, extremist, lawless or offensive themes are not permitted.

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(a) A tattoo is considered "offensive" if it depicts, describes or otherwise refers to sexual context, acts, organs or preferences; if it depicts, describes or refers to intolerance of or discrimination against any race, color, creed, religion, gender, national origin, ethnicity or it is commonly associated with any organization or group which advocate such intolerance or discrimination; or it brings discredit upon the agency or violates common standards of decency or morality.

4. Visible tattoos shall not be of a style that diminishes professional appearance or reflects poorly on the law enforcement profession or the agency.

(b) Visible dental art is not permitted while on duty.

(c) Employees may wear contact lenses of a natural eye color.

(a) Red, orange, silver and other unnaturally colored contact lenses or colors that create an unnatural eye color or graphic design are not permitted.

(d) The Sheriff or a designee may allow exceptions to this policy.

(a) The Sheriff must approve any exceptions to this policy in writing with copies maintained in the employee's personnel file

1029.3 PROCEDURES

(a) Personal appearance directly affects the public image of the agency and county government in general. Appearance and clothing should always be neat and clean.

(b) When the issued uniform is unsuited for the tasks being performed, Animal Shelter personnel will wear appropriate clothing as authorized by the Shelter Manager and the Sheriff.

(c) Employees

1. Any jewelry, in addition to a wristwatch, shall be moderate, project a professional image and avoid creating a safety hazard. Earrings are allowed. Piercing holes larger than those used for a small post earring must be closed or covered while at work or on duty. Nose rings are authorized but limited to one single stud or hoop worn on the exterior wall of the nostril. Hoops shall not extend more than 1/8 inch below the base of the nose.

(d) Acceptable Clothing

1. Acceptable clothing will be the support staff uniform.

(e) Personal Grooming

1. Proper personal hygiene is required.

2. Hair, beards, mustaches, and sideburns must be clean and neatly groomed. Any hair-restraining device worn shall blend with the hair color. Dyed, tinted, or bleached hair should present a professional business-like appearance.

(f) Uniforms

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1. Non-certified employees who are provided a uniform are expected to present an appearance that is consistent with the Sheriff's Office image. Working attire shall be maintained and worn in a neat and clean manner consistent with duties performed.

(g) Exceptions

1. There may be unique or reasonable circumstances for exceptions to this policy. Special projects or working conditions may give cause for relaxed dress standards, subject to the approval of a supervisor.

1029.3.1 SUPPORT STAFF UNIFORM

The wearing of the support staff uniform is mandatory for support staff members who are not issued a uniform as described in policy 1047.

(a) Members wearing the support staff uniform will be issued the following:

1. Black polo shirt, short or long-sleeve, with Sheriff insignia
2. BDU Utility Pants
3. Black footwear

(b) The support staff uniform will conform to the following standards:

1. Socks or hosiery shall be worn at all times, skin toned or solid black in color.
2. Shoes or boots, black in color and closed toe.
3. A belt, if worn will be black in color.

(c) The support staff uniform shall be kept clean, pressed, and tailored to fit well. The manufacturer's recommendation for cleaning will be followed.

(d) All items of non-issue apparel (such as socks and hosiery) worn while on duty shall be in good condition.

1. If worn, under shirts will be black in color, visible only at the unbuttoned collar, and maintained in a presentable condition.

(e) All employees should practice common sense rules of neatness, good taste and comfort. The Sheriff or his/her designee reserves the right to determine appropriate dress at all times and in all circumstances. Employees may be sent home to change clothes should the Sheriff or his/her designee determine their dress is not appropriate.

(f) Replacement uniforms will be provided as needed by submitting a request to the employee's supervisor.

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Uniform Regulations

1030.1 PURPOSE AND SCOPE

The uniform policy of the Lincoln County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of office uniforms. Employees should also refer to the following associated Policy Manual sections:

- Office-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or the authorized designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Lincoln County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement.

1030.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

(a) Deputies shall wear a uniform while on-duty and engaged in law enforcement activities, unless assigned to undercover, security, escort, or detective duties (2026 Oregon Laws, Ch. 66, § 1). Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All deputies of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the office's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Non-certified attire shall not be worn in combination with any distinguishable part of the uniform except when the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while they are off duty.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court, or at other official office functions or events.

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(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the office uniform, including the uniform pants.

(i) Mirrored sunglasses will not be worn with any office uniform

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.

1. Wrist watch
2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand
3. Medical alert bracelet

1030.2.1 OFFICE-ISSUED IDENTIFICATION

The Office issues each employee an official office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their office issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the Office, employees shall display their office issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1030.3 UNIFORM CLASSES

1030.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie

(b) Polished shoes

Boots with pointed toes are not permitted.

1030.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required

(b) A black crew neck t-shirt must be worn with the uniform

(c) All shirt buttons must remain buttoned except for the last button at the neck

(d) Shoes for the Class B uniform may be as described in the Class A uniform

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(e) Approved all black unpolished shoes may be worn

(f) Boots with pointed toes are not permitted

1030.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1030.3.4 SPECIALIZED UNIT UNIFORMS
The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

1030.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1030.3.6 RESERVE DEPUTY UNIFORM
The reserve deputy's uniform will be the same as for the regular deputy with the exception of the badge. All uniform policies, regulations and specifications apply equally to reserve deputies.

1030.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve (2026 Oregon Laws, Ch. 66, § 1).

(b) Service insignia - (e.g., stripes, stars) - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name (2026 Oregon Laws, Ch. 66, § 1). If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO) may be worn as designated by the Sheriff.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

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(g) Badge - The office-issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform (2026 Oregon Laws, Ch. 66, § 1).

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

1030.4.1 MOURNING BAND

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) A deputy of this office - From the time of death until midnight on the 14th day after the death.

(b) A deputy from an agency within Oregon - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Sheriff.

The mourning band will be worn diagonally across the badge, with the high point of the stripe on the left, and the low point to the right.

1030.5 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits and dresses and blouses that present a business appearance.

(c)

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or flip flops
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

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(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Lincoln County Sheriff's Office or the morale of the employees.

1030.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Lincoln County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize the office badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Lincoln County Sheriff's Office to do any of the following:

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1030.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Office for the cost of providing the office issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Office-Owned and Personal Property Policy).

1030.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Lincoln County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Lincoln County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

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Uniform Equipment

1031.1 PURPOSE AND SCOPE

The Lincoln County Sheriff's Office uniform is distinctive and provides a professional image and air of authority and confidence when worn properly. This chapter discusses the equipment and uniform items authorized by the Sheriff, and outlines how they shall be worn and maintained.

1031.1.1 POLICY

The uniform policy of the Lincoln County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of the Sheriff's Office uniforms. Employees should also refer to the following associated Policy Manual sections.

Policy 700 - Sheriff's Office Owned and Personal Property

Policy 500.5 - Body Armor

Policies 1029 & 1030 - Personal Appearance

The wearing of civilian clothing while on duty will not be permitted except by specific permission or instructions from an immediate supervisor, having due regard to operational needs (refer to current LCDA contract). Repairs or replacements are authorized. However, caution must be exercised to prevent abuse as outlined in Policy Manual §700.

The policy, rules and procedures listed are comprehensive, but not inclusive. Any item not mentioned, if permitted, will be maintained and worn within the intent and spirit demanded by professional appearance.

1031.2 GENERAL RULES

(a) Evaluation of employees will include their adherence to this Chapter and other applicable chapters.

(b) Written authorization from the Division Commander is required to purchase or wear any clothing or uniform equipment not in the Sheriff's Office manual.

(c) Each employee is issued clothing and uniform equipment based on their assignment. Members shall not exceed their allotment, except as otherwise provided.

1031.2.1 POLITICAL ACTIVITIES, ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Lincoln County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize an office badge, patch or other official insignia, or identify as an employee of the Lincoln County Sheriff's Office to:

- Endorse, support, oppose, or contradict any political campaign or initiative.
- Endorse, support, oppose, or contradict any social issue, cause, or religion.

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- Endorse, support, or oppose, any product, service, company or other commercial entity. Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1031.3 UNIFORM DEFINITIONS

To distinguish between the various authorized uniforms and their functions, the following definitions are provided.

The Sheriff may approve other uniforms, equipment, or accessories needed for special or unique circumstances (e.g. SERT, marine, forest, jail, bicycle, reserves, posse, animal control/shelter).

1031.3.1 CLASS A UNIFORM

Worn on occasions when complete uniformity and/or enhanced professional appearance is warranted. Funerals, formal ceremonies and presentations are examples when the Class A Uniform is appropriate, and/or when directed by a Division Commander or the Sheriff.

(a) The Class A Uniform is comprised of:

- Felt campaign hat
- Long sleeve shirt and tie
- Tie tack (issued
- Uniform slacks
- Black footwear
- Clear plastic rain hat cover, if appropriate
- Gun belt to include only holster and weapon, one handcuff case, and four single belt keepers
- Gun will be on the strong-hand side.

(b) For clarification, the following is applicable to the Class A Uniform:

1. The Class A Uniform may be worn at anytime, but must be worn at formal ceremonies when directed by an appropriate supervisor.
2. If a deputy elects to wear a Class A Uniform at all times other than when it is required, the full complement of gun belt equipment will be worn and the wearing of the protective vest is mandatory.
3. The straw campaign hat may be worn in lieu of the felt campaign hat during normal duty wear.

1031.3.2 REGULATION UNIFORM

The Regulation Uniform is the normal Lincoln County Sheriff's Office work uniform. This uniform, when worn properly, projects a professional appearance while providing practicality and flexibility for working under a variety of conditions/circumstances.

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(a) The Regulation Uniform is comprised of:

- Straw or felt campaign hat or baseball cap
- Long sleeve shirt with tie, authorized turtleneck, or black t-shirt
- Short sleeve shirt (tie is required when Ike jacket is worn).
- Uniform slacks
- Polished shoes or boots (boots can be oil finished)
- Raincoat and pants
- Regulation jacket
- Gun belt with gun on strong-hand side and equipment listed in policy 1047.4 (h)
- Exterior Carrier for body armor and equipment (Optional)
- Duty belt suspenders (Optional) - Suspenders worn concealed under the uniform shirt may be warn at any time with any approved uniform. Outer suspender systems worn over the uniform shirt may be worn in conjunction with the exterior carrier in a concealed manner under the carrier.

1031.3.3 UTILITY UNIFORM

Supplied to employees when work assignments or conditions are such that wearing the Regulation Uniform or civilian clothing is impractical, or not authorized by a supervisor. The Regulation Uniform will be worn when in attendance at jury trials, training, and on other occasions when a Utility Uniform is inappropriate.

(a) The Utility Uniform consists of:

- Baseball style hat
- Long or short sleeve shirt
- BDUs
- Regulation jacket
- Polished shoes or boots (boots can be oil finished)

(b) Except for Correction, Marine, Forest, and Animal Services Deputies, the Utility Uniform will be issued to employees on an as-needed basis, and then only with the recommendation of an immediate supervisor, and with approval by the respective Division Commander.

(c) The Utility Uniform will be worn with the issued basket weave belt and appropriate footwear. The standard footwear will be black except as authorized by the supervisor, and may be either polished or oil finished.

(d) Insignia of rank will be worn on the left sleeve, and badge and nameplate displayed as required by regulation.

(e) Regulation gun belt will be worn with the Utility Uniform.

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(f) Other clothing, equipment or items may be worn or carried as directed or authorized by an immediate supervisor and/or Division Commander to address specialized assignments or needs.

(g) Upon supervisory approval, the Utility Uniform may be worn with only a holster and weapon, provided the mandatory equipment worn on the uniform gun belt is readily available in the event it is needed.

(h) The Utility Uniform will be kept clean and pressed with creases distinct. Leather will be kept clean and polished.

(i) The Sheriff may approve other uniforms, equipment, or accessories needed for special or unique circumstances (e.g. TRT, marine, forest, jail, bicycle, posse, animal services/ shelter).

1031.4 PLACEMENT, CARE AND MAINTENANCE

(a) Accessories

1. With supervisory approval, accessories that serve a functional purpose are permitted providing they maintain the dignified, professional and conservative appearance the Sheriff's Office demands.
2. Following are examples of the Sheriff's Office standards:
    (a) Gloves are authorized for duty wear for Patrol Division deputies only black and full fingered
        1. Gloves with logos are not permitted
        2. Gloves should only be worn during intemperate weather or searches.
    (b) Sunglasses military style or dark frame are acceptable. Mirrored or multi-colored lenses, frames and/or straps are not acceptable. The hanging of sunglasses from a strap about the neck is also unacceptable.

(b) Badges

1. Wearing of Badges
    (a) The breast badge shall be a star of seven points, in the center of which shall be imposed, in relief, a facsimile of the seal of the state. The badge issued to certified employees of the rank of Sergeant and above shall be a composition metal in the likeness of gold; that issued to certified employees below the grade of Sergeant shall be of a gold/silver color.
    (b) The hat badge shall be a shield with the word "Deputy Sheriff", or other appropriate rank of the member, on the bottom of the shield and crowned by a replication of an eagle. A facsimile of the seal of the state will appear in the center of the shield.
2. Certified employees, while wearing any authorized uniform, shall display the breast badge on the left breast of the outermost garment. The hat badge shall be displayed on both the felt and straw hats in the area immediately above the front center braid.

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3. The Sheriff may authorize the issuance of a smaller badge of the same description, in those cases where carrying of a smaller badge is more appropriate to the employees duty assignment. A smaller badge, if issued, is for use as identification while wearing civilian clothing and is not authorized for display on any uniform.
4. All badges, including the hat badge, will be buffed or polished.

(c) Baton/Oleoresin Capsicum (OC)

1. A baton may be issued to each criminal and uniformed deputy assigned to the Patrol Division. The issuing of the baton is optional.
    (a) Uniformed deputies who are issued a baton are required to carry it on their gun belt.
    (b) Detectives who are issued a baton are required to keep the baton close at hand while on duty and in the field.
2. Patrol, forest, marine and animal services deputies will carry an OC canister at all times when on patrol. (OC shall not be carried in any aircraft)
3. Correction Deputies will carry an OC canister at all times while on duty. Exceptions will require approval from a supervisor. (OC shall not be carried in any aircraft).
4. Division Commanders will wear the baton and OC as an option.

(d) Belt Keepers

(a) Four single belt keepers will be used to keep the gun belt properly positioned.
    (a) Hidden snaps will be issued to deputies (two in front and two in back).
    (b) Gold colored brass snaps are optional for supervisors.

(e) Brass/Metal

1. Badges, buttons, and similar metal objects will be polished and maintained in a shiny condition.

(f) Campaign Hat and/or Cap

1. Wearing of the campaign hat is optional for deputies in uniform except while participating in ceremonies/duties where the complete uniform is required or appropriate.
2. The uniform cap hat will normally be worn by deputies when in uniform out of doors, or while participating in ceremonies/duties where the complete uniform is required or appropriate.
    (a) Wearing of the uniform cap is authorized only when wearing the utility uniform.
3. The campaign hat will be worn level from side to side with the front canted slightly downward. By placing the middle and index finger along the bridge of the nose, the hat brim should touch the upper finger.

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(g) Footwear

(a) Footwear will be maintained in a polished and presentable appearance.

(b) Footwear authorized to be worn with the Class A uniform must be black polished shoes or boots.

(c) Only footwear listed in the following options may be worn with the regulation or utility uniform:

(a) An oxford style shoe in a high gloss or polished finish or Wellington style boot. Sworn employees choosing to wear these style shoes/boots for every day use must be aware that the shoes must be in a presentable condition when wearing of the Class A uniform is required.

(b) Black leather boots (such as Danner, Rocky, Thorogood, Smith & Wesson, Magnum, Bates)

(d) An exception to the authorized footwear listed in section 3(a) and 3(b) may be made based upon supervisory approval for limited duration situations or events, but only for the duration of that situation or event, e.g., extreme climatic situations or duty at the county fair.

(e) Black socks will be worn when visible from a standing or seated position.

(h) Gun belt

1. Only issued poly laminate duty belts, gun belts, holsters, and all other gun belt equipment are authorized to be worn with the Class A or Regulation uniform. The finish must be of a basket weave design.

2. Only Sheriff's Office issued or authorized equipment consisting of the following will be carried on the uniform gun belt:

(a) Magazine pouch(es) (mandatory) (Limited to a capacity of three magazines)

(b) Holster and firearm (mandatory)

(c) Baton holder and baton (optional)

(d) Handcuffs and handcuff case (mandatory-single, two single or double optional)

(e) Oleoresin Capsicum and case (mandatory for Patrol, Corrections, Marine and Forest deputies and Animal Services)

(f) Rubber glove pouch (optional)

(g) Belt keepers (4-mandatory)

(h) Flashlight ring (optional)

(i) Mini-flashlight and case (optional)

(j) Portable radio holder and radio (optional)

(k) Pagers shall not be worn on the uniform shirt.

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(l) Cell phones (optional)

(m) If a key ring is worn it must be a "silent key ring" for Patrol Deputies. Open face key fobs are permitted for Correction Deputies

(n) Equipment assigned to specific employees for testing and evaluation

(o) Taser (optional).

3. Non-issued equipment or items are not permitted on the uniform gun belt. Items such as extra keys, snap key rings, and knives are prohibited. The objective is to restrict the gun belt to safety items that are most important to the Deputy, while at the same time projecting a neat and professional appearance.

4. Requests to wear other equipment believed to qualify in the "safety category" will be submitted through the chain of command.

5. The holster and firearm will be worn on the strong-hand side.

6. Magazine pouches, baton, OC, mini-flashlight and their holders, handcuff case(s) may be worn anywhere on the gun belt. If worn on the strong-hand side, they must not interfere with the safe use of the firearm or ammunition.

(i) Insignia of Rank

(a) Insignia of rank for all certified ranks, is an embroidered patch sewn on the left sleeve of uniform shirts and jackets.

(b) The embroidered patch will be neatly sewn on the sleeve with the top edge centered one inch below the bottom of the department patch.

(c) Additional insignia of rank are military rank symbols; gold for Sergeants and above.

(d) Uniform shirts will display the insignia of rank on each collar as shown in.

(e) Jackets with shoulder epaulets will display the insignia of rank as shown in.

(j) Jackets

(a) The "Ike" jacket will only be worn as part of the Class A or Regulation uniform.

(b) Jackets will be buttoned to the top breast pockets during a ceremonial event.

(k) Leather

(a) All Class A and Regulation uniform leather including the hat strap, pants belt, shoes/boots, gun belt and gun belt equipment will be maintained in a black and shiny condition.

(l) Name Plates

(a) A Sheriff's Office sewn on nametape worn on the jacket and uniform shirt will identify each employee in uniform.

(m) Recognition Pins

1. Only Sheriff's Office approved recognition pins are permitted to be worn on the uniform shirt.

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2. A total of six recognition pins may be worn at any given time with the pin of most significance worn in the upper left position from a facing point of view.Additional pins will be worn in order of significance from left to right in rows of three, not to exceed two rows, with the pin of least significance positioned in the lower right.
3. Recognition pins will be centered above the name plate. Recognition bars will be provided for affixing two or more recognition pins and will be available in any amount for up to six recognition pins.
4. The following recognition pins are approved for uniform wear and ranked in order of significance:
    (a) Medal of Valor
    (b) Life Saving Award
    (c) Distinguished Service Award
    (d) Sheriff's Office Member of the Year
    (e) DPSST Certification Level
    (f) Sheriff's Office Assignments (FTO/DRE/K9 Handler/Accident Reconstructionist/Instructor/Honor Guard/TRT)
    (g) Military Service Award
    (h) Education Award (Bachelor's/Master's Degree)
    (i) Outside Agency Recognition (OSSA Command College/FBINA)
    (j) Crisis Intervention Team

(n) Raincoats/Rain pants

(a) The green Watershed raincoat is acceptable with the Regulation uniform, and will be zipped to the breast pocket while officially engaged.

(b) A raincoat is not considered a jacket for purposes of wearing a tie.

(o) Shirt

(a) The uniform shirt should be fitted to the employee's body, allowing for body armor. The collar should fit properly around the neck when buttoned, and the undershirt should not be visible. Shirts will be kept clean and pressed.

(b) Long sleeve shirts will be worn as they were designed with both sleeves appropriately buttoned. Rolled up sleeves are not permitted.

(a) Administration and patrol duties/functions when wearing a long sleeve shirt or a jacket a tie and Sheriff's Office issued tie tack, black t-shirt, or turtleneck shirt (see #3) will be worn.

(c) Turtleneck shirts issued by the Sheriff's Office will only be worn with the Utility or Regulation Uniform. The turtleneck shirt is provided to deputies to be normally worn during cold weather. The decision as to whether to wear the turtleneck will be left up to the individual deputy unless otherwise directed by a supervisor.

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(a) The turtleneck shirt will be worn in such a manner that the body armor is not visible and under the long sleeve utility or regulation uniform shirt. The turtleneck will be worn without the tie.

(b) The turtleneck shirt will not be worn while attending jury trials, public talks, or other formal public appearances without supervisor approval

(p) Slacks and BDUs.

1. Slacks will be kept in good condition, pressed and tailored to fit well.

(q) Tie Tacks

1. Sheriff's Office issued tie tacks will be worn when the uniform tie is worn.
2. The tie tack is centered on the tie and level with the shirt pocket buttons. The tie tack is displayed in the upright position.

(r) Sweaters

1. The wearing of an authorized black sweater (cardigan or pullover) is permitted only for staff assigned to work in the jail, when wearing the utility uniform.

(s) Undershirts

1. If worn, undershirts will be black, visible only at the unbuttoned collar of the short sleeve shirt, and maintained in a presentable condition.

(t) Protective Vests (Body Armor)

1. All Deputies will adhere to the provisions of Policy Manual §1024 regarding the required wearing of body armor.
2. When worn, the vest will consist of both the front and back panels. The shock plate, if provided, is optional.
3. Care and maintenance of the protective vest will be conducted in accordance with the manufacturer's recommendations.
4. Deputies not in uniform will have the protective vest immediately available at all times, are encouraged to wear the vest usually, and shall wear the vest under any of the following circumstances:

(a) For any potential high-risk arrest or assignment.

(b) When directed by a supervisor.

1031.5 ATTENTION TO DETAIL

(a) The first impression sets the tone for all or subsequent contacts. Consequently, all sworn and non-sworn deputies should have a desire to present the most professional and competent appearance possible.

(b) The following Attention to Detail tips are offered:

1. Care and Maintenance of Uniform Hats:

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(a) Hats should be brushed daily with a long, softly bristled brush to remove dust. A damp lint-free cloth may be used to wipe the hats to smooth the nap and renew the appearance. The hat should be wiped or brushed in only one direction, as a back and forth motion will tend to raise the nap and make it fuzzy.

(b) When the hat is not in use for a long period, it should be placed in the original box or provided hat holder. The cord and chinstrap must be removed. The press-stay should be placed on the hat, as it will ensure the rigidness and straightness of the brim.

(c) Rain covers should always be kept handy for inclement weather. If possible, the cover should be used prior to rain, snow, etc.

(d) If the hat becomes water soaked, it should be dried naturally, after removing the braid and strap, by being placed on a clean surface.

(e) In case of oil staining or spotting, any commercial fabric spot remover is appropriate. Place the liquid on a soft, dry cloth, letting it evaporate almost completely before using it to clean the hat. The spot remover's vapors, not the liquid itself, does the actual cleaning. Feather-out toward the edges of the stain.

(f) When storing the hat, place in a cool, dry place in the hatbox or issued hat press.

(g) "Scotch Guard" does not harm the hat and will make it more water repellent and easier to keep clean.

(h) Soiled felt hats will be surrendered to the deputy's immediate supervisor for reconditioning or replacement. Unserviceable straw hats should be destroyed.

(c) Hat Strap

(a) The hat strap will be adjusted to secure the hat with the strap looped at the knot on the back of the head.

(b) The appearance of the strap will be maintained with liquid black shoe polish. The cut sides of the strap will also be dyed black.

(c) The hat strap buckle will be kept on the right side. The strap's pointed end will be folded under the retaining loop as follows:

(a) Fold the pointed end of the strap under approximately the width of the retaining loop, then slide the retaining loop over the folded end, securing the loop in place.

(d) Hat Braid

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1. The braid shall be placed on the hat crown in a double strand with no twists. The center "acorn" of the braid will be centered below the hat badge and tight against the crown.
2. After securing the braid to the hat with the strap, pull the two loose ends away from the hat crown and cut them inch beyond the edge of the brim. Wrapping the cut ends with scotch tape at this point will prevent the braid from unraveling when reapplying the acorns. Thread the cut braid ends through the acorns and fold inch of the braid end over, then pull the acorn back over the folded end until the folded end is flush with the outer opening of the acorn. When extended straight forward, the tip of the acorns will be even with the hat brim.

(e) Jackets

1. Metal buttons on the shoulder are displayed face forward. Breast pocket buttons are displayed upright. When properly fitted, the cuff is approximately inch shorter than a properly fitted long sleeve shirt.

(f) Leather

1. Leather and poly laminate duty gear, when visible, will be dyed black.

(g) Shirt

1. The sleeve cuff should extend to the heel of the hand.

(h) Slacks

1. The length of the leg will be tailored so the front crease touches the top of the footwear selected. The cuff can be cut at approximately a 15-degree angle so that the back crease is slightly longer than the front.

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Nepotism and Conflicting Relationships

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, purchasing and contracting, discipline and workplace safety and security.

1032.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Sheriff's Office recognizes Lincoln County has a limited population and members may come in contact with family members or close associates in the course of daily business serving the community. The Sheriff's Office complies with state law regarding nepotism and reserves the right to impose certain restrictions on personal and business relationships between employees. In order to avoid concerns of nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising any other employee who is a relative, who resides with the member or with whom they are involved in a personal or business relationship. Employees are responsible for reviewing and adhering to the provisions of ORS 244.175-255.179 and the definitions provided in ORS 244.020.

1. Relative for this policy includes the spouse of the member, any children of the member or of the members's spouse, and brothers, sisters, half-brothers, half-sisters, brothers-in-law, sons-in-law, daughters-in-law, stepparents, stepchildren or parents of the member or of the member's spouse/domestic partner, or any individual for which the member has a legal support obligation.

2. If circumstances require a supervisor/subordinate relationship exist temporarily in violation of the above provisions, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor. These arrangements shall be documented in writing and forwarded to the Sheriff or designee for their review and approval.

3. When personnel and circumstances permit, the Sheriff's Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Sheriff's Office reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Whenever possible, FTOs and other trainers will not be assigned to train immediate relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

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(c) To avoid actual or perceived conflicts of interest, members shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(d) Except as required in the performance of official duties employees shall not develop or maintain personal or financial relationships with any individuals other than immediate relatives they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws. Questions regarding relationships which may be in violation of this policy shall be reported to a supervisor without delay.

(e) Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, individual who resides with the member or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1032.3 PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS

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 in the performance of official duties, or were unavoidable because of familial relationships. The Sheriff must approve any exceptions to this policy in writing.

(a) Except in the performance of official duties, employees shall not knowingly enter any establishment that regularly violate the laws of that jurisdiction.

(b) Employees shall not knowingly join or participate in any organization that advocates, incites or supports criminal acts of criminal conspiracies.

(c) Employees are to avoid fraternizing in personal or social activities with criminal offenders, which include 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.

1. The Division Commander, 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 in writing and forward the report to the Sheriff if the association or fraternization may adversely affect the reputation or operation of the Office.

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Employee Involved Domestic Violence

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

1033.1.1 POLICY

Where incidents of domestic violence are alleged to have occurred, the Lincoln County Sheriff's Office will act to protect the victim, arrest the suspect, and conduct administrative and criminal investigations. This policy delineates a position by this Sheriff's Office of absolute intolerance of domestic violence. Employees of this Sheriff's Office convicted of domestic violence or an allegation of domestic violence sustained through an internal administrative investigation will be disciplined up to and including termination.

It is also the policy of this Sheriff's Office to promote the use of early prevention strategies to avoid or minimize the occurrence of domestic violence and its effects in the workplace. This Sheriff's Office will provide available support and assistance to employees who are victims of domestic violence.

This support may include, to the extent permitted by applicable law, policies, and collective bargaining agreements, confidential means for coming forward for help, resource and referral information, and additional security at the workplace. Other appropriate assistance may be provided based on individual need. In all responses to domestic violence, this Sheriff's Office will respect the confidentiality and autonomy of the victim to the fullest extent permitted by law.

Although the language of the policy speaks to law enforcement officers, this policy applies to all employees of the Lincoln County Sheriff's Office.

1033.1.2 DEFINITIONS

Domestic Violence - A pattern of coercive behavior used by one person in a current or former domestic relationship to gain power and control over another person in that relationship. Domestic violence may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence may occur between people of all racial, economic, educational and religious backgrounds, in heterosexual and same-sex relationships, married or unmarried, and in short-term or long-term relationships.

Batterer, Perpetrator or Abuser - The individual who commits an act of domestic violence as defined above.

Victim - The individual who is the subject of an act of domestic violence.

Household and family members - Spouses, former spouses, adult persons related by blood, marriage or adoption, persons co-habiting, or who have co-habited, persons who have been

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sexually intimate with each other within two (2) years (including same sex relationships), and persons who are unmarried parents of a child.

Restraining Order - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, Restraining Orders, No Contact Orders, Protective Orders, and Anti-Harassment Orders. Court mandated restrictions are designed to aid in the safety of the petitioner (person who files for the restraining order). In Oregon, the order is subject to appeal within thirty-one (31) days of being issued. Once an appeal is requested, the court must hear the appeal within twenty (20) days.

1033.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.270).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 107.718).

1033.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

1033.3 INCIDENT RESPONSE

All personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as "on-the-record" information. The information shall be forwarded to the Patrol Sergeant and respective employee's supervisor for appropriate investigative action.

Upon arrival at the scene of a domestic violence incident involving any employee as the suspect or victim, the handling deputy shall immediately notify the communications center and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

1033.3.1 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an Lincoln County Sheriff's Office employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved

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individual’s agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed (see the Domestic Violence Policy).

(a) The supervisor will ensure that a thorough investigation is conducted and all appropriate reports are forwarded to the District Attorney’s Office.

(b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Lincoln County Sheriff's Office which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

1033.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a certified employee of the Lincoln County Sheriff's Office is arrested, the supervisor shall relieve the accused of any issued duty weapon(s).

(b) The investigating deputy or supervisor shall also request permission to take any other firearms on scene for safekeeping.

(c) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.

(d) The transporting deputy shall ensure that corrections personnel are notified of the person’s employee status to ensure the safety of the employee while he/she is in custody.

1033.3.3 FIREARMS RESTRICTIONS

Any deputy who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the deputy from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order. Deputies will immediately ensure that all firearms are removed from their residences, lockers and all other locations where they would have actual or constructive possession of such items.

Deputies who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

1033.4 EMPLOYEE RESPONSIBILITY

(a) Employees are encouraged to seek confidential assistance from county resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.

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(b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.

(c) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.

(d) No employee shall solicit or be afforded any privileges or special considerations.

(e) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.

(f) If an employee becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the propery chain of command.

(g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.

(h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.

(i) Members are prohibited from discussing or revealing any information related to reports of domestic violence involving co-workers or other law enforcement personnel.

(j) Members who have been arrested or convicted of a domestic violence crime shall notify their immediate supervisor at the earliest possible time.

(k) Any employee of this office who is arrested for domestic violence will be placed on administrative leave pending the conclusion of the criminal investigation and an internal investigation.

(l) Employees who fail to comply with these rules and procedures will be subject to disciplinary action up to and including termination.

1033.5 DEPARTMENT RESPONSIBILITIES

(a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:

1. Stalking and inappropriate surveillance activities.
2. Unusually high incidences of physical altercations, injuries, or verbal disputes.
3. Alcohol and/or drug abuse.
4. Increase in controlling behaviors.
5. Citizen or fellow employee complaints of aggression.

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6. Inappropriate aggression toward animals.

(b) The Sheriff's Office, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.

(c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including chaplains, will be made available to employees.

(d) Employees who disclose to any member of the office that they have personally engaged in domestic violence are not entitled to confidentiality within the office. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.

(e) Any Sheriff's Office employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

1033.5.1 TRAINING

The office will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.

1033.6 TRAINING

(a) Investigators assigned to investigate a deputy/officer involved case shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated investigator shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.

(b) The Division Commander shall designate a principal contact for the victim and shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

(c) The investigating deputy designated as the victim's principal contact shall conduct a lethality assessment with the victim. The information gained shall be incorporated into the safety plan developed with the victim.

(d) All employees shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.

(e) Working with community resources and advocacy agencies, the investigating deputy shall refer victims to all necessary and appropriate services.

(f) The investigating deputy will inquire whether the victim wants any weapons removed from his/her home for safekeeping by the Sheriff's Office.

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(g) The Sheriff's Office will refer the victim to advocate resources available through the District Attorney's Office. These advocates are available to the victim as a point of initial contact, or for support and follow up throughout the process.

1033.6.1 GUIDELINES REGARDING ASSISTANCE TO VICTIMS

(a) Domestic violence crimes have serious and long lasting detrimental effects.

1. Members are not immune from becoming involved in domestic violence situations as either a perpetrator or victim.

2. Members who have concerns about their behavior or display behaviors that raise concern are encouraged to seek assistance.

(b) Behaviors that may raise concern include, but are not limited to, frequent tardiness and absences, an increase in controlling behaviors, stalking and inappropriate surveillance activity, complaints from co-worker, unwarranted aggression and verbal abuse, increased use of physical force and/or injury.

(c) Suggestions for Employees Who Are Victims of Domestic Violence:

1. Talk with a trusted colleague, supervisor, or association representative about your situation;

2. Contact the Employee Assistance Program (EAP) service provider;

3. Contact the National Domestic Violence Hot Line at 1-800-799-SAFE, the Oregon Coalition Against Domestic and Sexual Violence at 1-800-622-3782, or the local domestic violence service provider;

4. Call the local police if you are in immediate danger and notify your supervisor as soon as possible;

5. Notify your supervisor of the possible need to be off work, and find out your leave options.

   (a) Be clear about when you plan to return to work and maintain communication with your supervisor during your absence.

6. If necessary and available, make alternate arrangements for receiving your paycheck;

7. If you are concerned about your safety at work, submit a recent photograph of the abuser and a copy of your protective order (if applicable) to your supervisor

1033.7 INVESTIGATIVE PROCEDURES

Deputies shall comply with the following procedures involving law enforcement officers or employees of a law enforcement department who are alleged to be an offender or victim of domestic violence:

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(a) When a deputy responds to a call of domestic violence and finds that the alleged offender/victim is another law enforcement officer, the responding officer will, as soon as reasonably possible, call his/her supervisor to the scene. This action shall also be taken when the victim/offender is an employee.

(b) If the responding deputy has not yet made a custodial arrest, it will be the responsibility of the responding supervisor to ensure that it is done if probable cause exists under state law.

(c) If the aggressor or suspect is a law enforcement officer of another agency, regardless of whether an arrest is made or a report is written, the investigating deputy shall report this activity to his/her supervisor, who shall in turn notify a command officer of the aggressor's or suspect's agency.

(d) The reporting supervisor shall report the information to the suspect or aggressor's agency within four (4) hours of the activity.

(e) When a deputy is requested to serve a Temporary Ex Parte Order or a Protective Order (serving deputy) on a respondent who is a law enforcement deputy/officer of this or another agency, the serving deputy shall report this activity to his/her supervisor, who shall in turn notify a command officer of the respondent's agency.

(f) The reporting supervisor shall report the information to the respondent's agency within four (4) hours of the activity.

(g) When a deputy is called to enforce the terms of a Temporary Ex Parte Order or a Protective Order (investigating deputy), the investigating deputy shall report this activity to his/her supervisor, who shall in turn notify a command officer of the respondent's agency.

(h) The reporting supervisor shall report the information to the respondent's agency within four (4) hours of the activity.

(i) Even though an initial report may already exist concerning a law enforcement deputy/officer involved in a domestic violence incident, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.

1033.7.1 INVESTIGATIVE PROCESS

(a) The Sheriff or Division Commander may request an outside agency to conduct any internal investigation involving allegations of domestic violence involving a member of this office.

1. If so, the Sheriff will establish a Memorandum of Agreement [MOA] with the outside agency.

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2. The agreement will delineate a reporting chain of command, confidentiality, and investigative responsibilities.

(b) Any employee who is ordered to speak on an internal matter will be given the Garrity admonishment that the information will not be used in any criminal matter.

1. The agreement will clearly specify that the criminal and internal investigations will be clearly separate.

(c) Upon this office receiving the initial report, and that report being sent to the Sheriff, the Sheriff will notify the agency with which the Memorandum of Agreement has been made.

1. All members of this office will cooperate fully with the investigators assigned to the case.

2. The purpose of using outside personnel for the investigation is to illustrate that there is no undue influence on the investigation, and that "Garrity" rights of the accused are protected.

(d) Once the investigation has concluded, the case will be submitted to the Sheriff for a finding for further action.

1. The Sheriff will determine how to best ensure the safety of the victim, as well as any future personnel action regarding the involved employee.

1033.8 PERSONNEL ACTION

(a) Applicants will be screened for any history of domestic violence. This screening may include, but not limited to investigation of personal history or psychological assessment.

(b) This office will provide training in domestic violence issues to raise the level of awareness. Training opportunities will include training for new employees and their families, Field Training Officers, supervisors, in-service and all employees.

(c) Incidents or information that do not result in charges:

1. When information about domestic violence in an employee's family comes to the attention of a commanding officer or supervisor, it is the commanding officer or supervisor's responsibility to conduct an informal inquiry.

(a) Such a session could be triggered by virtually any source, a family member, a neighbor, friend or colleague.

(b) The commanding officer or supervisor should discuss safety issues and treatment referral.

(c) Employees will be encouraged to make use of the treatment options, which include psychological services and the Employee Assistance Program.

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2. If an employee is referred to psychological services, notification will be made to the Sheriff regarding an initial assessment and preliminary treatment plan.

    (a) Information beyond this will remain confidential, unless there is suspicion of intent to harm self or others, or if there is information regarding child abuse.

1033.8.1 RESTRAINING ORDERS

(a) Members who are subject to a restraining order shall notify their immediate supervisor at the earliest possible time.

(b) Federal law prohibits any respondent (person who has had a restraining order served on them) from possessing firearms and ammunition (actual or constructive possession) if the restraining order bans such possession or he/she is found to represent a credible threat to the petitioner.

1. There is a military and law enforcement exemption for sworn members, on-duty status only.

2. However, a restraining order that bans the respondent's possession of firearms and ammunition may still be subject to enforcement under state law, unless the respondent has received relief for that portion of the restraining order in state court.

(c) Certified Deputies, who have state liability of a restraining order restricting firearms and ammunition possession, subject to such a restraining order, shall not be allowed to work or be in areas where actual or constructive possession of firearms and/or ammunition is possible.

1. If the deputy/respondent is appealing a restraining order with firearm and ammunition prohibition, the deputy may be placed on administrative leave or in a position where there is no contact with the public through the duration of the appeal.

(d) Members, who are subject to restraining orders that have firearm and ammunition restrictions, shall ensure all firearms and ammunition are removed from their residence, department locker, and any other location he/she would have actual or constructive possession of such items.

1. This must be done immediately.

2. If the restraining order is appealed, and as a result of that appeal, the firearm and ammunition restrictions of the restraining order are eliminated, or the restraining order is vacated, the member may have returned to his/her possession any and all firearms and ammunition that were removed.

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(e) When a DPSST certified deputy qualifies for the federal exemption and does not have state liability or a restraining order banning firearms and ammunition possession;

1. The employee's immediate supervisor will create a report covering the circumstances of the restraining order and forward the report to the Sheriff through the chain of command.

(f) The Sheriff will make a determination regarding what accommodation, if any, should be made for the firearm restriction.

(g) If directed by the Sheriff;

1. The employee's shift supervisor or designee will issue the deputy's duty firearm(s) and ammunition to him/her at the beginning of each work shift, and collect the firearm(s) and ammunition at the end of each shift;
2. The firearm(s) and ammunition will be stored in a manner that does not allow actual or constructive possession by the officer when he/she is off duty;
3. The office will not facilitate or allow a certified member to work under the federal exemption until he/she has been cleared by a psychological threat assessment;
4. Since restraining orders are twelve (12) months in duration and may be extended, duty status could be terminated;
5. During the month of January, an annual check will be made of every member's law enforcement record, including, but not limited to CCH, by a designee of the Sheriff to determine if there are any entries for domestic violence arrests, convictions or restraining orders;
6. Any domestic violence arrest, conviction or restraining order found as a result of such a check will be forwarded to the Sheriff;
7. A member convicted of a domestic violence crime, whether or not it meets federal standards, shall be subject to discipline up to and including termination.

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Temporary Modified-Duty Assignments

1034.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1034.2 POLICY

Subject to operational considerations, the Lincoln County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1034.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or Oregon law shall be treated equally, without regard to any preference for a work-related injury.

No position in the Lincoln County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1034.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Supervisor or Division Commander, with notice to the Sheriff.

1034.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1034.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1034.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1034.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1034.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; ORS 659A.146; ORS 659A.147).

1034.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County’s personnel rules and regulations regarding family and medical care leave.

1034.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1034.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

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Speech, Expression, and Social Networking

1035.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Lincoln County Sheriff's Office (ORS 181A.689).

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1035.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Lincoln County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Office will carefully balance the individual member's rights against the needs and interests of the Office when exercising a reasonable degree of control over its members' speech and expression.

1035.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Lincoln County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow office member.
- Otherwise disclosing where another deputy can be located off-duty.

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1035.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Lincoln County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Office (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Office.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Lincoln County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

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1035.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Lincoln County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff:

(a) Endorse, support, oppose, or contradict any appointment, nomination, or election of a person to public office (ORS 260.432).

(b) Endorse, support, oppose, or contradict any initiative, recall petition, or referendum (ORS 260.432).

(c) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(d) Endorse, support, or oppose any product, service, company, or other commercial entity.

(e) Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Lincoln County Sheriff's Office.

A notice of restrictions on political activities by members will be posted and maintained by the Office in a place that is conspicuous to all members as required by law (ORS 260.432).

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1035.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

1035.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

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(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1035.7 TRAINING

Subject to available resources, the Office should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Office.

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Wellness Program

1036.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members (ORS 181A.487).

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1036.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1036.2 POLICY

It is the policy of the Lincoln County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1036.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for office peer support members, such as:

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

(g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

1. The coordinator should work with appropriate Office liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

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1036.4 OFFICE PEER SUPPORT

1036.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1036.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of office peer support members include:

(a) Providing pre- and post-critical incident support.

(b) Presenting office members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

1036.4.3 PEER SUPPORT MEMBER TRAINING

A office peer support member shall complete office-approved training prior to being assigned (ORS 181A.835).

1036.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

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1036.6 PEER SUPPORT COMMUNICATIONS

Any communications made by a member or peer support member in a peer support counseling session and any oral or written information conveyed in the session are confidential and may only be disclosed in accordance with ORS 181A.835.

Any communications relating to a peer support counseling session made between peer support members or between peer support members and the supervisors or staff of an employee assistance program are confidential and may only be disclosed in accordance with ORS 181A.835.

All communications, notes, records, and reports arising out of a peer support counseling session are not considered public records subject to disclosure under ORS 192.311 et seq. (ORS 181A.835).

1036.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including:

(a) Allowable physical fitness activities.

(b) Permitted times and locations for physical fitness activities.

(c) Acceptable use of office-provided physical fitness facilities and equipment.

(d) Making physical wellness information and education (e.g., nutrition, sleep habits, proper exercise, injury prevention) available to members.

1036.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff for review and consideration of updates to improve program effectiveness.

1036.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of office wellness support systems.

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- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

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Facial Coverings

1037.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (2026 Oregon Laws, Ch. 66 § 3).

1037.1.1 DEFINITIONS

Definitions related to this policy include:

Facial covering - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item (2026 Oregon Laws, Ch. 66 § 2).

Facial covering does not include:

(a) A medical-grade mask or respirator, including a N95 medical mask, worn to protect against transmission of disease or infection, or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatuses necessary to protect against exposure to any toxin, gas, smoke, flame, or severely inclement weather.

(b) A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, for underwater use.

(c) A motorcycle or bicycle helmet when worn by a deputy utilizing a motorcycle, bicycle, or other vehicle that requires a helmet for safe operation while in the performance of the deputy's duties.

(d) A fire helmet when worn during an arson investigation.

(e) Eyewear necessary to protect the eyes from physical objects or the use of retinal weapons, including but not limited to lasers.

(f) A translucent face shield or clear mask that does not conceal the deputy's facial identity and is used in compliance with this policy.

Tactical response team - Any of the following special teams (2026 Oregon Laws, Ch. 66 § 4):

- A Special Weapons and Tactics (SWAT) team
- A Tactical Response Team (Tactical Response Team)
- A hazardous device, bomb, or explosive ordnance disposal unit
- A chemical, biological, radiological, nuclear, or explosive (CBRNE) response unit
- A tactical canine unit assigned to support high-risk warrant service, hostage rescue, armed barricade response, or active shooter incident response

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1037.2 POLICY

It is the policy of the Lincoln County Sheriff's Office that facial coverings shall not be worn by deputies in the performance of their duties except as set forth in this policy.

1037.3 FACIAL COVERINGS

Facial coverings shall not be worn by deputies when performing their duties except under the following conditions (2026 Oregon Laws, Ch. 66 § 4):

(a) Active undercover operations or assignments in the regular performance of the deputy's duties

(b) Active tactical operations with a tactical response team where protective gear is required for physical safety

(c) Working in extreme or severely inclement weather, including freezing temperatures, high winds, or highly dusty conditions

During any time period when votes for any state or federal election are being collected or counted, under no circumstances shall a deputy wear a facial covering while performing law enforcement duties within 250 feet of (2026 Oregon Laws, Ch. 66 § 4):

- A place for depositing ballots described in ORS 254.472.
- A compartment, shelf, or table used to mark ballots described in ORS 254.472.
- A voting booth provided under ORS 254.474.

A supervisor shall not knowingly allow a deputy to violate state law or office policy limiting the use of a facial covering.

1037.4 POSTING OF POLICY

The Sheriff or the authorized designee shall make this policy publicly available (2026 Oregon Laws, Ch. 66 § 3).

A written challenge regarding this policy shall be forwarded to the Sheriff or the authorized designee, who shall then have 180 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 180-day period has been completed (2026 Oregon Laws, Ch. 66 § 3).

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Attachments

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Military Support Program-1.pdf

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Military Support Program

Program Objective

The intent of the Lincoln County Sheriff's Office (LCSO) Military Support Program is to:

Advocate participation in the military as citizen soldiers through membership in the nation's Guard and Reserve units, recognizing and enforcing the provision of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Assist managers and supervisors in supporting employees who serve in the Guard and Reserve.

Support employees and their families who are called upon to serve the nation.

Military Support Program Phases

The Military Support Program helps ensure our military service members are properly cared for through the four phases of deployment. These phases consist of pre-deployment, deployment, post-deployment and employment and readiness.

The Administrative Lieutenant is responsible for monitoring overall program effectiveness; however, each Division Commander is responsible for ensuring a smooth transition between civilian and military roles through implementation of this program. Applicable checklists will be verified and held by the employee's supervisor. On completion of the tour of duty, the checklist will be stored with the employee's administrative file.

Pre-Deployment Checklist

Supervisor:

□ Supervisor ensures military orders are submitted to Administration and notification of deployment is sent to the Chain of Command, Finance and Training.

□ Supervisor confirms with deputy that arrangements are made to return issued items that require maintenance (e.g. Taser, Car, Radio, rifle, etc.).

□ Supervisor reviews duty schedule to accommodate deployment. Consider other duty assignments to limit court appearances and complete maintenance training.

□ Supervisor requests or appoints a Military Liaison Deputy to assist the Service Member and family during the deployment. The Assignment of a Military Liaison Deputy will usually be a coworker, peer support member or supervisor as requested by the Service Member.

Administration:

□ Copy of employee's military orders is obtained – critical in determining anticipated length of service, as an alternative means of contacting the employee while on active duty and required to document leave of absence.

□ Obtain current military unit information – used to maintain contact with the employee until he/she can advise of their location and contact numbers, etc., (critical for those employees whose duties are classified).

□ Ask the employee for information on assigned military unit family support group to ensure the LCSO is working effectively with and can coordinate efforts with the military's efforts – ensure the Military Liaison Deputy is aware of contact information.

□ Verify and/or update the employee's personal information, specifically emergency contact numbers.

□ Finance Section has been notified and the employee conducts a review of their pay and entitlements/benefits (pre-deployment, deployment and post-deployment) as soon as possible.

Military Liaison Deputy:

□ Meet with Service Member and Family – provide contact information and identifies issues that may arise during the military deployment - confirm a Family Care Plan has been completed (i.e. how a service member's personal and family business should be conducted during deployment).

□ Discuss financial concerns. Consider donated leave. *(I have proposed a draft county personnel rule that allows employees to donate leave to those deployed to make up any decreased salary)*

□ Develop checklist with key contacts and phone numbers and review 'what-ifs' to reassure family member that assistance is only a phone call away.

Deployment Phase

Supervisor:

The deployment phase can place families into a stressful, life-changing event, which can be reduced through a solid network of support from the LCSO:

□ Supervisor will provide additional LCSO support to Military Liaison Deputy if required.

□ Supervisor will have employee's picture with deployment timings and significant dates mounted on a wall which shall only be removed on return from deployment.

Military Liaison Deputy:

□ Depending on the type of deployment, monitor welfare issues through prior agreement with the member/family – communication should occur no less than once every two weeks. Weekly would be preferred even if only a text message. The relationship built between the family and the Liaison Deputy will develop over the first few months which will help determine the level of contact needed.

□ Ensuring the lines of communication are maintained with the family and service member – notify the LCSO chain of command of any issues that require additional welfare support or immediate attention.

□ Invite family members to LCSO sponsored events and/or assist in attending community events.

□ Establishing an event file so birthdays, anniversaries, holidays and other significant dates are remembered – consider sending a card with a personal note or even a phone call from the Sheriff/Division Commander.

□ Provide to the deployed service member applicable LCSO information updates.

□ On a lengthy deployment (six months or more), organize LCSO "Care Packages." If email is not available to contact the deployed member directly, The Liason Deputy should consult with family members to determine desired items and frequency of care packages.

Post Deployment Phase

Military Liaison Deputy:

This phase involves the service member returning to their home station, Guard or Reserve armory, possible demobilization, and return home. This is a major event for service members and their families:

□ Discuss homecoming activities with spouse/family – discuss early on and "manage' family member's expectations and desires. Understand some family members may want to be alone with the returning soldier for an extended period of time upon the return from deployment. This time is to be respected.

□ Advise Chain of Command of Repatriation Ceremony date/time (assist family if needed). With family approval, attend repatriation or meet returning service member at the airport.

□ If approved by family, the Sheriff and/or Division Commander should attend repatriation or meet returning service member at the airport to reinforce commitment and welcome home.

□ Assist the returning service member on moving into the "Employment and Readiness" phase. Contact supervisor for assistance if necessary.

Employment and Readiness Phase

The intent of the Employment and Readiness Phase is to facilitate the employee's smooth reintegration back into service with the LCSO. The program should be tailored to the employee based upon such factors as their length of service with the LCSO, duties, nature of military service and any other issues specific to the employee. This office understands that depending on the missions the employee was participating in, reintegration back into civilian life can be quick or it can take some time.

The LCSO has an obligation to prepare returning service members to both safely and effectively perform their jobs. There is absolutely no inference in the LCSO or Lincoln County Personnel Rules that any employee will resume their duties with the LCSO in anything less than exemplary service:

Supervisor:

□ Welcome the employee home and set-up date/time for "one-on-one" with the Sheriff.

□ Encourage maximum family time and leave - determine the best timeframe for returning to full active duty status.

□ Provide Administration with employee's return to work date and military orders.

□ Develop a re-orientation period scheduled – this will depend upon type and length of deployment and through consultation with the employee, to include:

> □ Assignment of a mentor or peer-to-peer ride along to facilitate the transition back to duty (e.g. adjust driving behavior, response to resistance techniques, etc.). The mentor shall informally monitor the progress of the employee and if needed, can contact other returned reservists or peer support for assistance.
>
> □ Time to review changes to policies, procedures, and qualifications, including assessment of refresher training.

□ In all cases, the employees first day of return to duty shall be for administration:

> □ Informally discuss any issues associated with the deployment and availability of support programs (e.g. EAP, VA for Vets program, Employee Benefits).
>
> □ Discuss work assignment, shift, changes in written directives and update/maintenance training.
>
> □ Employees to meet with Finance Section to review pay, benefits and start date.
>
> □ Re-issue and/or replace equipment.

□Assess readiness for duty (identify transitional issues and discuss solutions).

□ One month after return, schedule with the employee and military liaison deputy a review of the Military Support Program and forward to the chain of command any recommendations or suggestions.

□ Plan for re-deployment (multiple military deployments of the employee).

Administration:

□ Verify and/or update the employee's personal information.

□ Finance Section notified and the employee conducts a review of their pay and entitlements/benefits.

Military Liaison Deputy:

□ Assist the service member to reconnect with the LCSO.

□ One month after return, meet with supervisor and employee to review of the Military Support Program and forward to the chain of command any recommendations/suggestions.

Resources:

• US Department of Veterans Affairs: VETERANS EMPLOYMENT TOOLKIT

• IACP Employing Returning Combat Veterans as Law Enforcement Officers - Guidebooks:

- Family Guidebook
- Veteran's Guidebook
- Leader's Guidebook & Training Curriculum

INDEX / TOPICS

A

ACCOUNTABILITY
Supervisors. 23
ACKNOWLEDGEMENTS
Department-issued property. 452
ADMINISTRATIVE HEARINGS. 410
ADMINISTRATIVE INVESTIGATIONS
Recorded media files. 110
ADULT ABUSE. 121
Investigations. 423
AIRCRAFT
Ambulance. 380
Flying while armed. 90
Temporary flight restrictions. 178
AIRCRAFT ACCIDENTS. 316
ALCOHOL
Intoxicants. 163
Vehicle use. 463
AMMUNITION
Kinetic energy projectiles. 64
ANIMAL CONTROL. 502
ANIMALS
Euthanize. 90
Injured. 90
ANNUAL REVIEW
Personnel Complaints. 561
ANTI-RETALIATION. 538
APPOINTMENTS
Audio/video coordinator. 111
Press information officer (PIO). 175
Training committee. 31, 31
Volunteer coordinator. 239
ARRESTS
Child and dependent adult safety. 234
Citations. 300
Domestic violence. 102
First amendment assemblies. 373
Juveniles. 116
Mental health. 297
Safety belts. 567
ASSET FORFEITURE. 427
AUDIO/VIDEO RECORDING
Body-worn cameras. 107
OIS. 83
AUDITS
Informant funds. 436
Informants. 434
AUTHORITY. 10
Canine handler. 251
Civil commitments. 296
Ethics. 159
AUTOMATED EXTERNAL DEFIBRILLATORS
AED. 380

B

BADGE
Mourning Badge. 617
BADGES, PATCHES AND IDENTIFICATION
Uniforms. 615
BARRICADED SUSPECTS. 287
BATONS. 63
BICYCLE PATROL. 349
BIOLOGICAL SAMPLES
Hazards. 317
BODY ARMOR. 569
BODY ARMOR
Suspects. 85
BODY-WORN CAMERAS. 107
BOMBS
Aircraft accidents. 317
MDC/MDT. 335
Portable audio/video recorders. 109
BULLET
Casings. 488
Identification. 488

C

CANINES
Pursuits. 344
CASH
Asset forfeiture. 429
Audit. 436
CHAPLAINS. 230
CHIEF EXECUTIVE OFFICER. 20
CHILD AND DEPENDENT ADULT SAFETY 234
CHILDREN
Child safety. 234
Domestic violence. 101
Firearms. 93
Transporting. 568
CITATIONS. 300
Evaluation criteria. 391
Traffic. 391
CIVIL

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Liability respons. 83
Subpoena. 185
CIVIL COMMITMENTS. 296
CIVIL DISPUTES. 376
CIVILIAN/NON-SWORN
Crisis intervention incidents. 368
CODE-3. 96
COMMAND STAFF
Anti-retaliation. 540
Claims review. 453
Work-related injuries. 606
COMMENDATIONS AND AWARDS. . . 577
COMMUNICABLE DISEASE
Health orders. 271
COMMUNICABLE DISEASES. 548
COMMUNICATIONS CENTER
Domestic violence. 104
Foot pursuits. 347
COMPUTERS. 165
Digital evidence. 424
CONCEALED HANDGUN LICENSE. . . . 38
CONDUCT
Anti-retaliation. 538, 538
OIS. 77
Standards of Conduct. 162
CONFIDENTIALITY
Communicable disease information. . . 551
Informants. 432
Personnel records. 573
Protected information. 242
Retaliation complaints. 539
Surreptitious recording. 109
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 266
CONTROL DEVICES. 62
Decontamination. 549
Training. 307
CORRESPONDENCE. 36
COURT APPEARANCES. 184
COURT ORDERS
Adult abuse. 123
Asset seizure. 428
Child custody. 235
Citation releases. 300
Civil disputes. 377
Domestic violence. 101, 104
Juvenile informants. 432
Source testing. 551
Subpoenas. 184
Surreptitious recording. 109
CRIME AND DISASTER SCENE
INTEGRITY. 270
CRIMINAL ACTIVITY REPORTING. . . 171
CRISIS INTERVENTION INCIDENTS. . . 365
CRISIS NEGOTIATION TEAM. 272
CRISIS RESPONSE UNIT. 272
CUSTODIAL SEARCHES. 509
CUSTODIAN OF RECORDS
Email. 34
Personnel records. 573

D

DAILY TRAINING BULLETINS (DTBS)
Training records. 572
DAMAGE BY COUNTY PERSONNEL. . 173
DEADLY FORCE REVIEW. 54
DEADLY FORCE REVIEW. 54
DEATH
Chaplains. 231
Custody - juveniles. 119
DEFECTIVE VEHICLES. 459
DEFINITIONS OF TERMS IN MANUAL. . 17
DEPARTMENTAL DIRECTIVE. 28
DEPARTMENT-OWNED AND PERSONAL
PROPERTY. 452
DEPENDENT ADULTS
Safety. 234
DIGITAL EVIDENCE. 498
DISABLED
Motorist. 413
DISCIPLINE
Custody - juvenile. 118
Records. 571
Volunteers. 243
DISCLAIMER OF POLICIES. 17
DIVISIONS. 22
DOMESTIC VIOLENCE
Involving Employees. 632
DOMESTIC VIOLENCE. 101
DRIVING
MDC/MDT. 335
Personal communication devices. . . . 458
Safety. 163

E

ELECTRICAL LINES. 313
ELECTRONIC CIGARETTES. 553
EMERGENCY OPERATIONS PLAN. . . . 29
EMERGENCY UTILITY. 313
EMPLOYEE ASSISTANCE PROGRAM. . 543
ETHICS. 159

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ETRACE. 488
EVIDENCE
Bombs. 295
Digital. 424
EXPLOSIONS. 294
EXPOSURE(S). 285
EXPOSURE CONTROL. 548
EYEWITNESS IDENTIFICATION. . . . 437

F

FINGERPRINTS AND PHOTOGRAPHS. . 300
FIREARMS
Civil commitments. 299
Conduct. 163
Destruction of animals. 504
Retiree Carry. 41
Vehicle use. 463
FIREARM SERIAL NUMBERS. 487
FIRST AMENDMENT ASSEMBLIES. . . 369
FITNESS FOR DUTY
Temporary modified-duty assignments. . 644
FLYING WHILE ARMED. 90
FORCE. 54
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES. 302
FORMS
Application for concealed handgun license. 38
Asset forfeiture receipt. 429
Notice of asset seizure. 429
Personnel complaints. 556
Property loss/damage claims. 453
Suspected child abuse. 137

H

HANDCUFFING AND RESTRAINTS. . . . 57
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Aircraft accidents. 317
Precautions. 549
HIGH-VISIBILITY VESTS. 393
HOSTAGES. 287

I

IMMUNIZATIONS. 549
INFORMANTS. 432
INFORMATION TECHNOLOGY USE. . . 165
INSPECTIONS
Firearms. 85
Technology use. 167
Vehicles. 462
INTERPRETATION. 222
INVESTIGATION AND PROSECUTION. . 423

J

JURISDICTION
Aircraft accidents. 317
OIS. 76
Registered offenders. 210

K

KINETIC ENERGY PROJECTILE. 64

L

LAW ENFORCEMENT AUTHORITY. . . 10
LIMITED ENGLISH PROFICIENCY. . . . 222
LIMITED ENGLISH PROFICIENCY
Eyewitness identification. 437

M

MEAL PERIODS AND BREAKS. 586
MEDIA. 175
Aircraft accidents. 318
First amendment assemblies. 373
MEDICAL
Adult involuntary detention. 124
Aircraft accidents. 317
Examinations - adult abuse. 125
Examinations - Temporary modified-duty assignments. 644
For canines. 255
Releases. 380
Screening custody-juveniles. 115
Treatment for OC spray. 64
Treatment for work-related injury and illness. 606
MEDICAL LEAVE ACT (FMLA). 545
MEMORANDUMS. 36
MINIMUM STAFFING. 37
MOBILE AUDIO/VIDEO (MAV)
OIS. 83
MOBILE DIGITAL TERMINAL USE. . . 334

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MUTUAL AID. 202
First amendment assemblies. 372

N

NOTIFICATIONS
Aircraft accidents. 316
Cash. 467
Custody suicide attempt, death or serious injury. 119
Domestic violence. 106
OIS. 78
Sick leave. 545

O

OATH OF OFFICE. 13
OC SPRAY. 63
OFFICER SAFETY
Asset forfeiture. 428
Civil commitments. 297
Crime and disaster scene integrity. . . . 270
Domestic violence. 101
Foot pursuits. 344
Informants. 433
LEOSA. 41
Safety belts. 567
ORGANIZATIONAL STRUCTURE. . . . 22
OUTSIDE AGENCY ASSISTANCE. . . . 202
OUTSIDE EMPLOYMENT
Obtaining Approval. 593
Prohibited Outside Employment. 594
Security Employment. 595
OVERTIME
Restrictions Working Undercover. . . . 595
OVERTIME
Court. 186
OVERTIME PAYMENT. 590

P

PARKING. 463
PATROL BICYCLE. 349
PEPPER SPRAY. 63
PERFORMANCE EVALUATIONS
Sick leave. 545
Volunteers. 243
PERSONAL PROTECTIVE EQUIPMENT. 468
PERSONNEL COMPLAINTS
Portable audio/video file review. 110
Volunteers. 243
PERSONNEL RECORDS. 571
PHOTOGRAPHS
Aircraft accidents. 318
First amendment assemblies. 370
Photo lineup. 438
PHYSICAL BODY CAVITY SEARCHES. . 511
POLICY MANUAL. 17
PRESS INFORMATION OFFICER (PIO). . 175
PRIVACY EXPECTATIONS
Audio/Video recordings. 107
Email. 34
MDC/MDT. 334
Vehicles. 462
PRIVATE PERSONS ARRESTS. 220
PROMOTIONAL PROCESS. 533
PROPERTY BUREAU
Asset forfeiture. 430
PROPERTY PROCEDURES
Property Booking. 473
PROTECTED INFORMATION
Criminal offender information. 495
PROTECTIVE CUSTODY
Dependent adults. 123
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY. 360
PURSUITS
Foot. 344

R

RANGEMASTER
Control devices. 62
Firearms. 85
Inspections. 85
RAPID RESPONSE AND DEPLOYMENT. 306
RECORDS BUREAU
Administrative hearings. 410
Impaired driving. 410
RECORDS RELEASE
Adult abuse. 126
Audio/video recordings. 111
RECORDS RETENTION
Audio/video recordings. 111
Oath of office. 13
Personal protective equipment training. . 471
REGISTRANTS. 210
REPORT CORRECTIONS. 174
REPORT PREPARATION. 171
RESERVE DEPUTIES. 187
Coordinator. 188

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Duties. 187
Firearms Requirements. 189
Training. 188
RESPONSE TO CALLS. 96
REVIEWS
Anti-retaliation. 540
Information technology. 167
Portable audio/video files. 110

S

SAFETY
Anti-retaliation. 538
Communicable diseases. 548
Conduct. 163
Control devices. 65
First responder. 270
Personal protective equipment. 468
Temporary custody of juveniles. 118
Temporary flight restrictions. 178
SAFETY BELTS. 567
SAFETY EQUIPMENT
High visibility vests. 393
Safety belts. 567
Unauthorized. 618
Volunteers. 242
SEARCH & SEIZURE. 112
SEARCH AND SEIZURE. 112
SEARCHES
Crime scene. 271
Custodial. 509
Police vehicle inspections. 462
SECURITY EMPLOYMENT. 595
SICK LEAVE. 545
SMOKING AND TOBACCO USE. 553
SPECIAL WEAPONS AND TACTICS. . . . 272
STAFFING LEVELS. 37
STANDARDS OF CONDUCT. 157
STRIP SEARCHES. 510
SUBPOENAS. 184
SUCCESSION OF COMMAND. 22
SUPERVISION DEPLOYMENTS. 37
SUSPICIOUS ACTIVITY REPORTING. . 363
SWAT. 272

T

TAKE-HOME VEHICLES. 464
TECHNOLOGY USE. 165
TEMPORARY CUSTODY OF JUVENILES. 114
TRAFFIC. 390
Citations. 391
TRAFFIC SIGNAL. 313
TRAINING
Searches. 512
TRAINING
Adult abuse. 126
AED. 381
Child and dependent adult safety. . . . 237
Communicable disease. 551
Control devices. 66
Costs. 32
Crisis intervention incidents. 368
Fair and objective policing. 267
First amendment assemblies. 374
Personal protective equipment. 471
Rapid response and deployment. 307
Volunteers. 240
TRANSFER PROCESS. 533
TRANSLATION. 222

U

UNIFORMS
Volunteer dress code. 241
UNITY OF COMMAND. 22
UNLAWFUL ASSEMBLY. 372
UNMANNED AERIAL SYSTEM. 443
URINE TESTS. 407
USE OF FORCE
Forced blood sample. 408
UTILITY SERVICE. 313

V

VEHICLE MAINTENANCE. 459
VEHICLES. 462
VIDEO RECORDINGS
First amendment assemblies. 370
VOLUNTEER. 239
Defined. 239

W

WARNINGS
Canines. 252
Traffic. 391
WASHING OF VEHICLES. 460
WORK-RELATED INJURY AND ILLNESS
REPORTING. 606

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