

September 6, 2017

FOR IMMEDIATE RELEASE FROM COUNTY OF OTSEGO:

From the outset, the County's labor counsel, county attorney and personnel officer have recommended to the Public Safety and Legal Affairs Committee that the Sheriff be requested to recuse himself from making decisions regarding the serious threats expressed by his son Ros Devlin in the workplace. Ros Devlin's statements included threats of violence against fellow employees, schools and himself. Despite the obvious conflict of interest, the Sheriff has refused to step aside. He has also refused to cooperate with the PSLA committee as the committee has sought to work with him to insure the safety of employees and the inmates whose care and safety are the County's responsibility.

Contrary to the Sheriff's statements, it is the Sheriff who has prolonged the situation by taking months to get back to the Committee at various points, while his son remained on paid leave.

Since then, the statements attributed to Ros Devlin have been found credible after a court hearing and after the County's Workplace Violence Investigation. Although the County is not at liberty to discuss certain aspects of the case because of confidentiality rules, the Sheriff has now made public his intention to return Ros Devlin to work.

The Committee, along with labor counsel, the county attorney and the personnel officer, continues to be concerned about returning an employee to work who has expressed such threats against co-employees and others. In addition, Ros Devlin's job as a Correction Officer requires that he carry a firearm when carrying out certain duties, such as transporting inmates. However, his permit to carry a personal pistol was revoked because the judge found that he was "lacking the essential temperament or character which should be present in one entrusted with a pistol permit."

Because of these concerns, labor counsel advised the PSLA Committee that Ros Devlin should undergo a medical examination that meets the requirements of Civil Service Law section 72. This is a rigorous examination by an independent medical professional who will have access to all records in the case. As the judge found in the court hearing, the mental health evaluation conducted by the counselor selected and paid for by Ros Devlin has "limited value since they are based on a total of three sessions conducted over the course of three months and are entirely grounded on Sgt. Devlin's self-reporting."

Unfortunately, the County does not have the authority to order Ros Devlin to undergo the examination- only the Sheriff has that authority and he has refused to order his son to do so. Ros Devlin also has refused to voluntarily consent to the examination despite being given an opportunity to do so. Without such an

examination, the PSLA committee, along with labor counsel, county attorney and the personnel officer, remains concerned about the safety of the employees, inmates and of Ros Devlin himself. Given the fact that even the Sheriff agrees that Ros Devlin made the threats, it is unfathomable to the Committee that the Sheriff would not want the exam to take place.

We regret that the Sheriff has decided to place the interests of his son above the interests of the safety of others. The Committee will continue with its work and plans to issue a report once the investigation is completed. In the mean time, the directive banning Ros Devlin from County property remains in place.