

500.00 – Complaint Intake and Internal Affairs Processing

Stakeholder Review: 03/19/25-04/18/25

Refer:

- Fair Labor Standards Act and 29CFR Sec 541.118
- Civil Service Rules
- State Records Retention Schedules
- Collective Bargaining Agreements
- ORS 181A.681 Report of misconduct or violation of minimum standards; investigation; failure to intervene or report grounds for discipline; reporting requirement
- ORS 181A.686 Report on discipline to Department of Public Safety Standards and Training
- OAR 265-010-0035 Aggravating and Mitigating Factors
- [MCSO Agency Policy 360.00 – Duty to Intervene and Report Misconduct](#)
- NWAA 1.7.1., 1.7.2, 1.7.3

Definitions:

- Formal Administrative Investigation – An investigation conducted by or at the direction of the Internal Affairs Unit into allegations of policy violations by a member.
- Case File – A file containing copies of all materials relating to a specific case.
- Complaint – An allegation of a violation of a directive, a violation of policy or procedure, or criminal misconduct made by any person against a Sheriff's Office member. A "complaint" shall not mean and does not include a dispute between a community member and a member regarding the discharge of the member's official duties where there is no allegation of member misconduct. Additionally, a complaint shall not mean and does not include a grievance filed by an adult in custody if the grievance is subject to resolution under the provisions of the Corrections Division adult in custody grievance procedure.
- Formal Corrective Action – Disciplinary steps taken to correct and improve member performance (i.e., written reprimand, suspension without pay, economic sanction, demotion, termination, etc.).
- Counseling – Direct feedback provided by a supervisor when there are employee performance concerns. May be used to assist the employee in achieving a satisfactory level of performance prior to initiating any more formal resolution. Does not require a sustained policy violation.
- Exempt Member (FLSA) – An executive, administrative or professional employee as defined by the Fair Labor Standards Act (FLSA) (See regulations, 29 CFR 541.0-541.315) or by state wage laws (ORS 653.020(3) and OAR 839-020-0004(25), (29),

(30) and OAR 839-020-0005), who is not covered by the overtime provisions of those laws.

- Findings – A determination of whether a complaint is unfounded, exonerated, not sustained, or sustained. These findings have the following definitions:
 - Unfounded: The complaint is false. This finding requires a high level of certainty that there is no factual basis for the complaint or that the alleged conduct did not occur.
 - Exonerated: A preponderance of the evidence shows that the action or conduct occurred but was within policy.
 - Not Sustained: There is insufficient evidence to support a sustained finding or to fully exonerate the member.
 - Sustained: A preponderance of the evidence establishes that the member's conduct violated policy or procedure.
- Informal Corrective Action – Steps taken to improve member performance where there is no sustained policy violation. May be imposed on a member by any supervisor or command member in accordance with the member's collective bargaining agreement.
- Manager – As used for this policy, a member with the rank of Lieutenant or above or classification as a Civilian Manager.
- Management Review Team (MRT) – A panel comprised of the respective Division Chief and at least two (2) exempt managers to consider the sufficiency of an administrative investigation.
- Oral or Written Reprimand – Corrective action imposed upon an employee by an exempt manager as a means of rectifying an incident or behavior that resulted in a sustained policy violation.
- Preliminary Investigative Assessment (PIA) – A review completed by the PIA Committee to determine whether a complaint exists, is actionable, and requires a formal administrative investigation to generate Findings. The PIA Committee is comprised of the Professional Standards Unit Manager or their designee, the Human Resources Unit Manager or their designee, and Internal Affairs Unit investigators.
- Preponderance of the Evidence – Facts and circumstances indicating it is more likely than not that a violation of policy or procedure either occurred or did not occur.

Policy:

1. The Multnomah County Sheriff's Office (MCSO) views complaints against its members as serious matters directly related to the public trust and performance of

the agency. As public employees holding positions of trust and responsibility, all members are held to a higher standard of conduct than are members of the public.

2. Preliminary and formal administrative investigations of complaints are entrusted to the Internal Affairs Unit. The Internal Affairs Unit is responsible for maintaining the highest standards of integrity and accountability in the Sheriff's Office by appropriately evaluating and processing complaints.
3. Complaints shall be investigated in a timely, thorough, and impartial manner. The Sheriff's Office will comply with all applicable laws, and due process requirements set forth in any applicable collective bargaining agreements, and constitutional protections/rights when conducting investigations into member misconduct and/or imposing corrective action.
4. All members are expected to comply with complaint intake and Internal Affairs Unit processing as outlined in this policy.
5. Where applicable, outlined processes within this policy shall remain in accordance with Civil Service Rules, Collective Bargaining Agreements, and State Records Retention Schedules.

Corrective Action:

1. Informal corrective action may be imposed on a member by a supervisor or command member in accordance with the member's collective bargaining agreement.
2. Formal corrective action means progressive disciplinary steps taken to correct and improve member performance. This does not include counseling. Corrective action is imposed upon members following processes outlined in this policy. All members are subject to a range of corrective action set by law, rule and/or policy. Formal corrective action is administered by the Sheriff or designee, as outlined in Section 3.
3. Members subject to a collective bargaining agreement shall be subject to corrective action as follows:
 - 3.1. Upon delegation by the respective Division Chief, corrective action up to and involving suspension of one (1) day or less, as a result of an administrative investigation may be imposed by the respective Unit Manager.
 - 3.2. Corrective action involving suspension for a period of two (2) days, but less than twenty (20) days, shall be imposed by the respective Division Chief.
 - 3.3. Corrective action involving reduction of pay grade, or suspension for a period of twenty (20) days or more, and/or demotion shall be imposed by the Sheriff or designee.
 - 3.4. Corrective action involving termination of a member shall be imposed by the Sheriff.

4. Exempt members are generally not subject to disciplinary suspension of less than one (1) week. However, consistent with 29 CFR Section 541.602, exempt members may be suspended without pay for one (1) or more full days for major safety violations or violations of significant workplace conduct rules.

Procedure:

1. Complaint Intake:
 - 1.1. Any person, including known, anonymous or third party, may make a complaint alleging misconduct or misbehavior and/or a policy violation by a member.
 - 1.2. MCSO maintains a Complaint Form on the [Agency website](#). In accordance with MCSO's Complaint Form, complaints should include contact information, an overview of the alleged incident and desire as to how the complaint should be resolved.
 - 1.3. The Complaint Form may be delivered in the following ways, including but not limited to:
 - 1.3.1. In person with any member or at any MCSO facility. The member will forward the information, through channels, to the Internal Affairs Unit.
 - 1.3.2. By faxing the Internal Affairs Unit (503.988.4324).
 - 1.3.3. By electronic mail via iau@mcsso.us.
 - 1.3.4. By telephoning the Internal Affairs Unit (503.988.4557).
 - 1.3.5. By mail to the Multnomah County Sheriff's Office.
 - 1.3.6. By electronic submission on the website.
 - 1.4. A member who receives a complaint against another member shall inform the complainant how to access and deliver a Complaint Form to the Internal Affairs Unit (see 1.2. and 1.3. above). If the complainant needs assistance with filing a complaint, the member shall receive the information, take the complainant's name and contact information, and prepare a report including such information. The member shall forward the report to the Internal Affairs Unit.
 - 1.5. The Internal Affairs Unit will maintain a record of all complaints received.
2. Duty to Report Member Misconduct/Misbehavior:
 - 2.1. Each member of the Sheriff's Office who has reason to believe that another member has acted in a manner contrary to the public interest or the proper operation of the Sheriff's Office by violating a law, rule, directive, or procedure shall report the alleged misconduct or misbehavior to a supervisor, exempt manager, the Internal Affairs Unit, or the Department of Public Safety and Standards (DPSST) as soon as practicable, consistent with any applicable collective bargaining agreement, but no later than

seventy-two (72) hours after witnessing the violation. Witnessing or receiving a report of serious misconduct by a Sheriff's Office member, such as intoxication on duty or physical mistreatment of a person must also be communicated to the accused member's manager as soon as possible.

- 2.2. Supervisors and exempt managers have an affirmative duty to report and take appropriate action on member misconduct or misbehavior including, but not limited to, intervening as appropriate to stop the misconduct or misbehavior and reporting the act(s) to the Internal Affairs Unit for investigation and/or notifying their chain of command. Reports will be forwarded to the Internal Affairs Unit and/or up the chain of command as soon as practicable, consistent with any applicable collective bargaining agreement, but no later than seventy-two (72) hours after receiving the report.
3. Oral or Written Reprimand by an Exempt Manager:
 - 3.1. Notwithstanding any other provision of the Agency Manual, Exempt Managers, in consultation with the Human Resources Manager, may address violations in a timely manner by issuing an oral or written reprimand, when justified, by following established procedures guaranteeing due process, as outlined herein.
 - 3.2. An Exempt Manager who becomes aware of a possible violation that, if found to be sustained, could reasonably be expected to result in an oral or written reprimand, shall meet with the accused member and explain both the allegation and the options available to the member.
 - 3.3. The accused member, after hearing the allegation, may choose to have the matter referred to the Internal Affairs Unit (IAU) for a Formal Administrative Investigation, or may choose to have the Exempt Manager assess the allegation and, if justified, administer an oral or written reprimand.
 - 3.4. If the accused member asks that the allegation be referred to the IAU, the Exempt Manager shall not issue an oral or written reprimand but will forward the allegation in writing to the IAU. A complaint referred to the IAU will be processed in the prescribed manner and may result in corrective action other than an oral or written reprimand, as outlined in the Corrective Action Guidelines.
 - 3.5. An Exempt Manager processing a complaint, per the wishes of the accused member, shall discuss the allegations with the member and shall consider the member's statement, as well as consider any witness statements. The accused member is entitled to have a bargaining unit representative present during this meeting if they choose. (The role of the representative is outlined in Section 5., Subsection 5.9. of this policy.)

- 3.6. An Exempt Manager may issue an oral reprimand to the accused member. For awareness and recording purposes the Manager issuing the oral reprimand shall notify the Internal Affairs Unit via email. The retention schedule for working files is three (3) years.
 - 3.7. An Exempt Manager may issue a written reprimand to the accused member. The manager issuing the written reprimand shall forward a copy of the written reprimand signed by the issuing manager to the member's bargaining unit, if any, a copy to the Internal Affairs Unit, and a copy shall be delivered to the MCSO Human Resources Unit to be placed in the member's personnel file. The retention schedule for written reprimands remains unchanged by this procedure.
 - 3.8. Nothing in this section is meant to limit a member's right to appeal corrective action, as outlined in the member's collective bargaining agreement. Additionally, a member receiving a written reprimand under this section may, within ten (10) calendar days from receipt, respond in writing. Such written response or rebuttal shall be placed in the Internal Affairs file and the member's personnel file.
 - 3.9. An oral or written reprimand issued in accordance with this section may be used as the basis for progressive discipline, as outlined in the Corrective Action Guidelines.
4. Preliminary Investigative Assessment (PIA):
 - 4.1. The Preliminary Investigative Assessment (PIA) Committee meets routinely to review submissions to the IAU and determine if a Complaint exists, and/or is actionable, and requires a Formal Administrative Investigation in order to generate Findings. The PIA Committee shall consider a complaint actionable only as prescribed by the following timelines:
 - 4.1.1. Non-criminal complaints received one (1) year from the date of occurrence, or
 - 4.1.2. Received within the time period that the violation should have been discovered if reasonable care had been exercised, so long as this time period does not exceed two (2) years.
 - 4.1.3. A complaint alleging a member violated a criminal law received within two (2) years from the date of occurrence, or
 - 4.1.4. Received within the time period that the violation should have been discovered if reasonable care had been exercised, so long as this time period does not exceed three (3) years.
 - 4.1.5. Notwithstanding the timelines indicated above, complaints specifically alleging workplace harassment may be considered actionable if received within four (4) years of the alleged incident.

- 4.1.6. Notwithstanding 4.1.3. and 4.1.4., the Sheriff may direct that the PIA Committee waive the above timeline requirements for a complaint involving alleged criminal conduct by a member.
- 4.2. The PIA Committee will further assess preliminary evidence gathered during the PIA, potential conflicts of interest and/or the best way to process the complaint. The PIA Committee may:
 - 4.2.1. Refer complex complaints (e.g., potential conflicts of interest) to the Sheriff for further direction.
 - 4.2.2. Decline to initiate a formal administrative investigation on some or all aspects of an allegation or complaint.
 - 4.2.3. Consult with the supervisor and/or other agency unit managers (e.g., Training) to address the nature(s) of the complaint with the member and close the complaint.
 - 4.2.4. Refer the complaint to an exempt manager for command inquiry, with a recommendation to impose an oral or written reprimand upon a sustained finding.
 - 4.2.5. Refer to the Investigations Unit for criminal investigation; or
 - 4.2.5.1. Except as authorized by the Sheriff, in the event a member becomes the subject of a criminal investigation, the Sheriff's Office will hold in abeyance any administrative investigation directly related to the criminal allegation(s). The Professional Standards Unit Manager will monitor the progress of the criminal investigation via the Investigations Unit Manager and District Attorney's Office. After the criminal investigation has concluded, the Professional Standards Unit Manager will obtain a complete copy of the investigation and begin a Formal Administrative Investigation in accordance with this policy. The Sheriff reserves the right to direct the initiation of a parallel Formal Administrative Investigation concurrent with the criminal investigation.
 - 4.2.5.2. The member and bargaining unit of the member under criminal investigation will be notified of the criminal investigation, if known by the Sheriff, unless such notification would or could potentially compromise the integrity of the investigation.
 - 4.2.6. Initiate a Formal Administrative Investigation.
- 4.3. The Professional Standards Unit Manager or designee, with input from the PIA Committee, will make the final determination about complaint processing and document such determination.

- 4.4. The Professional Standards Unit Manager, or designee, will update the Sheriff and respective Division Chief on the PIA Committee's assessment and any Formal Administrative Investigation.
- 4.5. Within ten (10) calendar days of the PIA, the Internal Affairs Unit will notify the complainant regarding the status of their complaint. If the complaint has been closed without a Formal Administrative Investigation, the Internal Affairs Unit will also notify the complainant of the decision and the appeal process.
 - 4.5.1. The complainant must give notice of intent to appeal to the Internal Affairs Unit within ten (10) calendar days of notification of findings. This marks the start of the appeals process.
 - 4.5.2. If such notice is received, the Professional Standards Unit Manager will:
 - 4.5.2.1. Notify the Sheriff and the respective Division Chief of the complainant's intent to appeal.
 - 4.5.2.2. Provide the Sheriff and respective Division Chief with a brief overview of the complaint.
 - 4.5.3. The Sheriff will give the Professional Standards Unit Manager written direction and an explanation on disposition of the complaint, in accordance with this policy.
 - 4.5.4. The Internal Affairs Unit will communicate the outcome of the appeal to the complainant. This marks the end of the complainant appeals process.
5. Formal Administrative Investigation: Initiation and Investigation:
 - 5.1. To initiate a formal administrative investigation, the Internal Affairs Unit will, consistent with collective bargaining agreements, assign an investigator to the case and provide a Notice of Complaint to the member and their respective union representation. If the member is not covered by a collective bargaining agreement, the member may choose to be represented by counsel.
 - 5.1.1. The Sheriff may, after considering potential conflicts of interest, assign an independent investigator to complete the investigation. The independent investigator shall not be a member of the Sheriff's Office.
 - 5.1.2. If an independent investigator is assigned, the independent investigator shall follow the procedures and prescribed timelines contained within this policy.
 - 5.2. The Notice of Complaint will serve as documentation to the member of the subject of the complaint, the alleged policy violation(s), and the member's rights and responsibilities throughout the administrative investigation.

- 5.3. Unless extended by the Sheriff, an administrative investigation described in this section shall be completed within one hundred eighty (180) calendar days from the date of the Notice of Complaint provided to the member.
- 5.4. The time limit described above does not apply if:
 - 5.4.1. The accused member is incapacitated or unavailable.
 - 5.4.2. The investigation involves an allegation of worker's compensation or disability fraud by the member.
 - 5.4.3. The member waives the limit in a signed writing.
 - 5.4.4. The investigation requires a reasonable extension of time for coordination with one (1) or more other jurisdictions.
 - 5.4.5. The investigation involves more than one (1) member and requires a reasonable extension of time.
 - 5.4.6. The investigation is the subject of a pending criminal investigation or criminal prosecution and/or the sentencing phase of the prosecution has not concluded.
 - 5.4.7. The investigation involves a matter in civil litigation in which the member is a named defendant, or the member's actions are alleged to be a basis for pending liability. If the County has agreed to defend and indemnify the member, the outcome of the civil case cannot be used or held against the member in any subsequent investigation.
 - 5.4.8. The investigation is the result of a complaint by a person charged with a crime, and the criminal matter is still pending.
 - 5.4.9. The investigation meets the criteria outlined in Agency Policy 360.00—Duty to Intervene and Report Misconduct—and requires an investigation to be completed within three (3) months after the date of the report, unless circumstances prevent the investigation from being completed.
- 5.5. After notification, the Internal Affairs Unit investigator will open a case file and begin to compile evidence based on the scope of the complaint. Evidence may include, but is not limited to, the complaint, supporting documentation, videos, and interviews.
- 5.6. If, during the administrative investigation, the investigator learns of alleged policy violations that are not within the scope of the complaint, the investigator will refer the matter to the Pre-Investigative Assessment Committee for possible amendment of policy violations or initiation of a formal administrative investigation.
- 5.7. Obstructing or hindering Administrative Investigations is prohibited.
 - 5.7.1. No member shall attempt to obstruct or hinder an administrative or internal investigation by:

- 5.7.1.1. Concealing or destroying or attempting to conceal or destroy evidence relevant to an investigation or potential investigation.
 - 5.7.1.2. Contacting witnesses or potential witnesses to alter or influence their memory of events under investigation or potentially under investigation.
 - 5.7.2. Notwithstanding the provisions of Section 5., Subsection 5.7.1., nothing in this rule prohibits an accused member, or a member acting as a representative of the accused, from contacting witnesses or gathering evidence relevant to an ongoing investigation.
- 5.8. Investigatory Interview.
 - 5.8.1. The investigators shall identify themselves and all other persons present during the interview.
 - 5.8.2. The investigators shall advise the member being questioned of the administrative purpose of the questioning and provide the member with a statement of rights. The provision or explanation of rights shall either be documented in writing or on the record if the interview is being recorded.
 - 5.8.3. During an investigatory interview, the member will be asked questions specifically, directly, and reasonably related to the specific allegations.
 - 5.8.4. The member is required to answer all questions asked during the interview, and the member shall answer all questions truthfully or assert their right to refrain from incriminating themselves, subject to potential dismissal for doing so.
- 5.9. Scope of Representative's Role During Investigatory Interview.
 - 5.9.1. Notwithstanding any provisions of a collective bargaining agreement to the contrary, the role of a bargaining unit representative during an investigatory interview shall be as follows:
 - 5.9.1.1. The representative may inquire at the outset of the interview as to the reason for the interview, including inquiring about the general subject matter of the questioning to follow.
 - 5.9.1.2. During the investigator's questioning of the member, the representative may participate only to the extent of seeking clarification of questions. The representative may not instruct the member regarding how to answer a question or advise the member whether or not to answer. The representative and the member may speak privately during the interview; but may not intentionally delay or disrupt the interview. After the

investigator has completed the questioning of the member, the representative may ask the member questions designed to clarify previous answers or to elicit further relevant information.

5.9.1.3. Before the end of the interview, the representative may suggest to the investigator other witnesses to interview and may describe relevant practices, prior situation, or mitigating factors that could have some bearing on the Sheriff's Office's deliberations concerning corrective action.

6. Formal Administrative Investigation, Conclusion and Response:

6.1. The investigator will provide a copy of the complete case file to the member and their respective union representation or legal counsel if applicable, for review and response within five (5) calendar days of receipt.

6.2. After the employee and/or union response is received, notice that no response will be given, or five (5) calendar days since notice of review was served, the investigator will include any information received from the member, their union representative, or their counsel, and submit the case file, along with the Investigator's Summary, to the Professional Standards Unit Manager. An extension may be requested by the employee and/or union representative. This concludes the administrative investigation.

7. Administrative Resolution, Recommendation of Findings:

7.1. The Professional Standards Unit Manager will review the case file for format, accuracy, thoroughness, and investigative quality. The Professional Standards Unit Manager will then complete an Inspector's Findings Report. The Inspector's Findings Report will recommend a finding and corrective action, if appropriate, for submission to the respective Division Chief.

7.2. The Professional Standards Unit Manager may recommend a stipulated agreement when there is no disagreement over the material facts of the case to the respective Division Chief. With the agreement of the Division Chief, the Professional Standards Unit Manager will communicate the option of a stipulated agreement and recommended corrective action to the accused member and their respective union representation. If accepted, the administrative investigation will proceed to a Division Chief Conference. If declined, the administrative investigation will proceed to the Management Review Team.

8. Administrative Resolution, Management Review Team (MRT):

8.1. The respective Division Chief will work with the Internal Affairs Unit to convene a Management Review Team (MRT) for case files where a stipulated agreement is not appropriate or has not been accepted. The MRT

shall consider the sufficiency of the investigation, the appropriateness of the recommended findings and corrective action, and offer their own suggestions related to resolution of the case or recommend that the case file be returned to the Investigator for additional follow up.

- 8.2. The respective Division Chief will chair the MRT meeting, while the Professional Standards Unit Manager and assigned investigator will be present to answer questions. The MRT shall be comprised of no fewer than (2) exempt managers, chosen by the respective Division Chief. The Division Chief may appoint an additional exempt manager if a case would benefit from expanded MRT review.
 - 8.3. MRT members may consult with the Human Resources Unit Manager, a Labor Relations representative and/or the County Attorney's Office on any case under their review. MRT members will individually record their suggested findings related to the allegations, in writing, and forward them to the respective Division Chief.
9. Administrative Resolution, Executive Determination:
- 9.1. The respective Division Chief:
 - 9.1.1. Shall review the case file, which includes the Inspector's Findings Report and the MRT memoranda.
 - 9.1.2. May consult with the Human Resources Unit Manager, a Labor Relations representative and/or the County Attorney's Office for additional guidance or ask the Internal Affairs Unit for additional investigation.
 - 9.1.3. Shall consult with the Human Resources Unit Manager, a Labor Relations representative and/or the County Attorney's Office on contemplated corrective action spanning ten (10) days or more.
 - 9.1.4. Determine the disposition of findings and contemplated corrective action in accordance with the agency's Corrective Actions Guidelines and the Standards of Just Cause. The following constitutes a non-exhaustive list of elements that will be considered for determining an appropriate level of corrective action:
 - 9.1.4.1. The member's work history and length of service.
 - 9.1.4.2. The impact or potential impact of sustained allegations on the Sheriff's Office.
 - 9.1.4.3. The sufficiency of the member's training.
 - 9.1.4.4. The presence of clear and specific policies or procedures.
 - 9.1.4.5. The adequacy of supervision.
 - 9.1.4.6. Factors that may have impacted the member's state of mind during the event(s) under investigation.

- 9.1.4.7. The presence of mitigating or aggravating factors, including but not limited to [OAR 265-010-0035 Aggravating and Mitigating Factors](#).
 - 9.1.5. Return the case file to the Internal Affairs Unit and inform the assigned investigator of any contemplated corrective action.
10. Administrative Resolution, Division Chief Conference:
 - 10.1. The respective Division Chief will work with the assigned investigator to provide written notice to the member and their union representation or counsel and schedule a Division Chief Conference to discuss the disposition of findings and any contemplated corrective action.
 - 10.2. If the finding is sustained, a Letter of Contemplated Corrective Action will be provided to the accused member and include copies of the Inspector's Findings Report, MRT memos and Corrective Action Guidelines.
 - 10.3. The Division Chief Conference with the member shall be recorded. During the Division Chief Conference, the member may provide their respective Division Chief with additional evidence and/or information regarding the facts of complaint, investigative findings or the contemplated corrective action.
 - 10.4. In cases where the corrective action is being contemplated by the Sheriff or their designee, they shall attend the Division Chief Conference.
 - 10.5. After the Division Chief Conference, the respective Division Chief may:
 - 10.5.1. Consult with the Human Resources Unit Manager, a Labor Relations representative and/or the County Attorney's Office for additional guidance or consult with the Professional Standards Unit Manager for more information,
 - 10.5.2. Return the file for further investigation,
 - 10.5.3. Modify the findings, or
 - 10.5.4. Impose appropriate corrective action.
 - 10.6. The respective Division Chief shall record their final actions in the case file and return all documentation to the assigned investigator. If contemplated discipline includes suspension of twenty (20) days or more the Sheriff shall record their final action in the case file and return all investigation documentation to the Investigator.
 - 10.7. The assigned investigator will provide written closure documentation of the administrative investigation to the complainant and, if applicable, notification of the complainant appeal process.
11. Appeal by Complainant:
 - 11.1. If the outcome is exonerated, unfounded or not sustained, a community member may appeal this decision. For the purposes of this policy,

“community member” shall mean members of the public at large and shall not include Sheriff’s Office members. A community member complainant (petitioner) may petition for the Sheriff’s review of the determination of a complaint about member misconduct only if discipline was not imposed. Such a review shall not be granted in cases where multiple allegations arise out of a single incident and where at least one allegation is sustained.

- 11.2. The community member complainant must give written notice of intent to appeal to the Internal Affairs Unit within ten (10) calendar days of notification of findings. This marks the start of the appeals process.
- 11.3. The Professional Standards Unit Manager will notify the Sheriff, the respective Division Chief, the member and their union representation or counsel, if applicable, of the community member complainant’s intent to appeal.
- 11.4. At the direction of the Professional Standards Unit Manager, the assigned Investigator will:
 - 11.4.1. Provide the Sheriff with a copy of the case file and an overview of the case.
 - 11.4.2. Upon receipt, the Sheriff shall review the petition and, within five (5) business days, may accept or reject the petition. If the Sheriff rejects the petition, the IAU process shall be deemed to be completed and closed.
 - 11.4.3. In the alternative, the Sheriff may select three (3) community members to review the complaint findings, and appeal. The Sheriff may select and maintain a roster of volunteers willing to serve on a community member review panel. The panel should consist of not less than five (5) individuals with the interest, commitment, and ability to serve successfully and credibly. The panel may include lay individuals, police executives, law enforcement consultants, and private or public attorneys from the plaintiff and defense bar, among others, but no employee of Multnomah County may serve on the panel.
 - 11.4.4. The Professional Standards Unit Manager will:
 - 11.4.4.1. Facilitate the community members’ review.
 - 11.4.4.2. Ensure community members individually record, in writing, whether to recommend a change in finding.
 - 11.4.4.3. Present community members’ recommendations to the Sheriff.
- 11.5. Within ten (10) business days of receiving the community members’ recommendations, the Sheriff will inform the respective Division Chief of their decision on the case. The Sheriff may order any remedy upon

appeal, including but not limited to, agreeing with the Division Chief Conference determination, impose corrective action, further investigation and/or remedial training.

- 11.6. The Sheriff shall record their final actions in the case file and return the case file to the respective Division Chief. This action completes the appeals process.
 - 11.7. The respective Division Chief will return the case file and all documentation to the investigator.
 - 11.8. The Internal Affairs Unit will communicate the outcome of the appeal to the complainant, member, and their union representation or counsel, if applicable.
12. Appeal by Member:
- 12.1. If the outcome is sustained, the member will be given notice of the finding and imposed corrective action in accordance with the Sheriff's Office Corrective Action guidelines. Except in cases where corrective action has been imposed by the Sheriff, the member may appeal this decision.
 - 12.2. The member must give written notice of intent to appeal to the Internal Affairs Unit within ten (10) calendar days or as provided for in the applicable collective bargaining agreement. This marks the start of the appeals process.
 - 12.3. Upon receipt of written notice, the Professional Standards Unit Manager will notify the respective Division Chief and the Sheriff.
 - 12.4. At the direction of the Professional Standards Unit Manager, the assigned investigator will:
 - 12.4.1. Provide the Sheriff with a copy of the case file and a brief overview of the case.
 - 12.4.2. Set a meeting to discuss the appeal between the member, their union representation or counsel if any, the Professional Standards Unit Manager, the respective Division Chief and the Sheriff.
 - 12.5. Within ten (10) business days of the meeting discussing the appeal, the Sheriff will inform the respective Division Chief of their decision on the case. The Sheriff may order any remedy upon appeal, including but not limited to reduction or modification of any corrective action imposed, the offer of implementation of a last chance agreement in lieu of termination or change the findings(s).
 - 12.6. The Sheriff shall record their final actions in the case file and return the case file to the respective Division Chief. This action completes the appeals process.

- 12.7. The respective Division Chief will return the case file and all documentation to the investigator.
 - 12.8. The Internal Affairs Unit will communicate the outcome of the appeal to the complainant, member and their union representation or counsel, if applicable.
 - 12.9. An appeal under this section shall not serve as or be construed as a substitute for any remedy available to the member provided by law, civil service rules, or provisions of the member's collective bargaining agreement. Confidential and Exempt Classified members have additional available remedies provided by the Multnomah County Personnel Rules.
13. Follow-up to determine if misconduct / misbehavior has stopped or if retaliation has been experienced:
 - 13.1. In all complaints where one member accuses another member of misconduct or misbehavior (see Agency Policy 300.00 Discrimination and Harassment-Free Workplace), the complainant's Division Chief or the Human Resources Unit will ensure that the complainant and / or victim receive a follow-up contact, at least once every three (3) months of the calendar year, following the date a report of misconduct / misbehavior is received. This follow-up contact shall continue unless and until the complainant and / or victim objects to the follow-up in writing.
 - 13.2. The follow-up contact shall be documented in an email to the Internal Affairs Unit.
14. Internal Affairs Records Management:
 - 14.1. Internal Affairs Unit cases are considered confidential to the extent allowed by law, and internal access is limited to Multnomah County parties involved in review procedures outlined in this policy.
 - 14.2. Case files will be managed in accordance with applicable law and consultation with the County Attorney's Office.
 - 14.3. Members may file a written memorandum to the Sheriff, routed through their chain of command, requesting that their case file and Findings not be released for employment matters.
 - 14.4. The Professional Standards Manager shall be responsible for conducting an annual audit of all complaints to ascertain the need for changes in policy or training. An MCSO Annual Analysis of Member Complaints Report shall be completed each calendar year. A copy of this report will be included in the law enforcement re-accreditation assessment to meet standards established by the Northwest Accreditation Alliance (NWAA). The report shall not include member names or identifying information. This

report shall include information regarding complaint type, frequency, disposition, and referral to the Training Unit with recommendations.

15. Reporting Requirements for Discipline Involving Economic Sanctions:
 - 15.1. Within ten (10) days after an economic sanction as part of discipline imposed on a police officer has become final and the arbitration process is complete, the Internal Affairs Unit shall report on the discipline to the Department of Public Safety Standards and Training. The report must include:
 - 15.1.1. The name and rank of the officer disciplined,
 - 15.1.2. The name of the MCSO, and
 - 15.1.3. A description of the facts underlying the discipline imposed, including a copy of any final decision.
16. Name Clearing:
 - 16.1. Upon member termination, members may request a public name clearing hearing via Human Resources procedure. The request must be made no later than ten (10) business days after the termination date.
17. Use of Polygraph Examination Prohibited:
 - 17.1. The use of polygraph examination is expressly prohibited in all investigations involving complaints of member misconduct. No member shall be required to submit to a polygraph examination in any internal investigation.
 - 17.2. The inspector or their designated investigator shall not include or accept as evidence, or in any way consider the result of, a polygraph examination offered by a complainant, accused member or witness in an internal investigation. The prohibition against the use of polygraph results shall apply even though the party offering the results voluntarily submitted to the polygraph examination. ORS 659.840 & 659A.300
18. When a member separates from MCSO for any reason during the course of a pending administrative investigation, or while awaiting disciplinary action under provisions of this policy, the matter will be forwarded to the Sheriff for direction regarding either continuation or administrative closure of the pending IAU process. In all cases, MCSO will communicate the reasons and/or circumstances regarding the member's separation to DPSST via Form F4s.

History:

- Originating Policy: 06/12/2020
 - This policy and procedure supersede all prior MCSO policy and procedure relating to Complaint and Corrective Action Procedures.
- Next Review Date: 06/12/2022
- Review By: Executive Office
- Reviewed: 1/13/2022 (Legislative Updates)

- Next Review Date: 01/13/2024 (Comprehensive Stakeholder Review)
- Review By: Executive Office
- Reviewed: 05/06/22 (Legislative Updates in Bold)
- Next Review Date: 05/06/24 (Comprehensive Stakeholder Review)
- Review By: Executive Office
- **Reviewed:**
- **Next Review Date:**
- **Review By:**

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