

360.00 – Duty to Intervene and Report Misconduct

Stakeholder Review: 11/13/24-12/13/24

Refer:

- ORS 181A.410 Minimum standards and training for certification; duties in improving public safety units; grants; fees; rules
- ORS 181A.630 Procedure for denial, suspension or revocation of application or certification
- ORS 181A.640 Grounds for denial, suspension or revocation of application or certification of person or accreditation of program; rules
- ORS 181A.650 Judicial review of department's final order; reapplication for certification; rules
- ORS 181A.681 Report of misconduct or violation of minimum standards; investigation; failure to intervene or report grounds for discipline; reporting requirement
- MCSO Agency Policy 500.00 - Complaint Intake and Internal Affairs Processing
- MCSO Agency Policy 605.00 - Use of Force
- Northwest Accreditation Alliance 1.4.7 Duty to Intercede and Report

Definitions:

- Intervene – Take action so as to prevent or alter a result or course of events.
- Misconduct – Unjustified or excessive force that is objectively unreasonable under the totality of the circumstances or in violation of the Multnomah County Sheriff's Office Agency Policy 605.00 – Use of Force; sexual harassment or sexual misconduct; discrimination against a person based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability or age; or a crime.

Policy:

1. It is the policy of the Multnomah County Sheriff's Office (MCSO) to hold its members to the highest degree of accountability.
2. A member's duty to intervene and report misconduct is rooted in MCSO's commitment to community service and treating all individuals equitably, respectfully, and with every effort to preserve human life, value, and dignity in all situations.

Procedure:

1. Duty to Intervene:
 - 1.1. Without regard to rank or assignment, members shall intervene to prevent or stop another member engaged in any act the intervening member knows or reasonably should know is Misconduct, unless the intervening member cannot intervene safely. Intervention may range from giving verbal

commands, to moving to a safe place and calling for assistance, to using force based on the observer's training and the circumstances of the incident.

2. Reporting Misconduct:

- 2.1. Members who witness another member engaging in Misconduct or a violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel (refer to Subsection 2.3. below for more detail) shall report the misconduct or violation as soon as practicable, consistent with any applicable collective bargaining agreement, but no later than seventy-two (72) hours after witnessing the misconduct or violation, to:
 - 2.1.1. A supervisor,
 - 2.1.2. An exempt manager,
 - 2.1.3. The Internal Affairs Unit, or
 - 2.1.4. The Department of Public Safety Standards and Training (DPSST).

- 2.2. Supervisors and exempt managers have an affirmative duty to report and take appropriate action on member Misconduct including, but not limited to, intervening as appropriate to stop the misconduct and reporting the act(s) to the Internal Affairs Unit for investigation and/or notifying their chain of command.

- 2.3. Members shall comply with MCSO's expectations to intervene, and report conduct upon witnessing conduct that could reasonably fit any of the Board on Public Safety Standards and Training moral fitness violations, listed below:
 - 2.3.1. Intentional conduct performed under the color of office to:
 - 2.3.1.1. Obtain false confessions,
 - 2.3.1.2. Make false arrests,
 - 2.3.1.3. Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression,
 - 2.3.1.4. Compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing,
 - 2.3.1.5. Deprive, or attempt to deprive, another person or persons of their legal rights, or
 - 2.3.1.6. Gain advantage for a public or private safety agency or for personal gain.
 - 2.3.2. Intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth.

- 2.3.3. Intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another.
 - 2.3.4. Conduct that threatens or harms persons, property or the efficient operations of any agency.
 - 2.4. If the person to whom a member reports misconduct or a violation under this section does not have the authority to direct an investigation into the alleged misconduct or violation, the person shall forward the report of misconduct or violation to a person who has the authority to direct an investigation into the alleged misconduct or violation as soon as practicable, consistent with any applicable collective bargaining agreement, but no later than seventy-two (72) hours after receiving the report.
 - 2.5. Upon receiving a report of misconduct or violation under this subsection, the Internal Affairs Unit shall complete an investigation of the misconduct or violation within three (3) months after the date of the report unless circumstances prevent the investigation from being completed.
 - 2.6. The Internal Affairs Unit shall notify the Department of Public Safety Standards and Training when an investigation results in a finding that sustains a report of misconduct but need not notify the department when an investigation results only in a finding that sustains a report of a violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel.
3. Failure to Intervene or Report:
 - 3.1. Failure to intervene or report as required within Section 1. and Section 2. of this policy is grounds for disciplinary action for members by the Sheriff's Office or for the Department of Public Safety Standards and Training to suspend or revoke a member's certification as provided in ORS 181A.630, 181A.640, and 181A.650.
4. Discrimination or Retaliation:
 - 4.1. The Sheriff's Office may not discharge, demote, suspend, or in any manner discriminate or retaliate against a member with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the member intervened or reported as required within Section 1. and Section 2. of this policy.

History:

- Originating Policy: 01/13/2022 (Legislative Updates)
- Next Review Date: 01/13/2024 (Comprehensive Stakeholder Review)
- Review By: Executive Office

- Reviewed: 03/28/2023 (Legislative Updates)
- Next Review Date: 03/28/2025 (Comprehensive Stakeholder Review)
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- **Reviewed:**
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- **Review By: Executive Office**

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