



**To: Members of the Joint Interim Committee On The  
First Special Session of 2020**

**From: Sheriff Terry Rowan, President**  
Oregon State Sheriffs' Association

**Chief Jim Ferraris, President**  
Oregon Association Chiefs of Police

**Date:** June 23, 2020

**Re: Testimony re HB 4205 (LC 80) – Duty to Intervene**

**Good afternoon Co-Chairs Courtney and Kotek and members of the Joint Interim Committee on the First Special Session of 2020,**

On behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association, please accept this testimony regarding HB 4205, a measure designed to clearly identify circumstances when an officer has the responsibility to intervene to prevent or stop another officer from prohibited acts.

We fully support the essence of HB 4205 but would like to offer the following language for your consideration. It is designed to create clear expectations officers regarding their duty to intervene and identifies specific and objective circumstances where the duty applies. The following language is designed to replace the current language in HB 4205:

Police officers regardless of rank or assignment shall safely intervene to prevent or stop, when present and observing, another police officer engaging in any act constituting:

- Unjustified or excessive force that is clearly beyond that which is objectively reasonable under the circumstances
- Sexual harassment or sexual misconduct
- Discrimination against a protected class
- Domestic Violence
- Conduct constituting a crime

and promptly report the observed incident to a supervisor.

Failure to intervene or report incidents as required other than unjustified or excessive force, is grounds for disciplinary action within the police officer's agency.

Sustained findings of failure to intervene or report an incident of unjustified or excessive force is grounds for suspension or revocation of the involved officer's certification by the Department.

Thank you for your consideration