

## DUTY TO INTERVENE

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**PURPOSE:** It is the purpose of this policy to explain the legal and moral obligation members have regarding their duty to intervene. This duty is embodied in the law enforcement officer's code of ethics, and in the law. Department members shall have a clear understanding of this Department's expectations pertaining to conduct and activities while on and off-duty. A law enforcement officer has an affirmative duty to intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers. Officers of this department also have a duty to intervene when they observe or hear conduct by a fellow member of this department that is un ethical, clearly violates the law, or violates department policy.

**POLICY:** This department is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct by another department member.

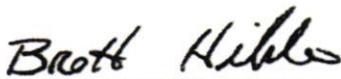
### DEFINITIONS:

- I. INTERVENE: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

### PROCEDURES:

- I. DUTY TO INTERVENE
  - A. Use of Force: Officers of this department have an affirmative duty to intervene if they witness a use force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.
  - B. Officers of this department must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or an Department policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this department to disciplinary and or legal action.
- II. REQUIRED ACTION - (Department Member)
  - A. Officers should take a **preventive approach toward misconduct**. When an officer observes behavior that suggests another officer is about to conduct illegal, unethical or inappropriate behavior the officer should intervene verbally or physically, depending on the circumstances.
    1. **EXAMPLE:** While conducting a motor vehicle stop for a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In an attempt to deescalate the situation you could get the officer's attention to break his/her agitation, walk up next to the officer and ask a follow up question of the driver to slow down the interaction and give the primary officer a

- chance to collect him/herself, or ask the officer to come speak to you away from the car in order to diffuse the situation.
- B. If verbal interventions are not sufficient to stop the act, come between the offending officer and the other individual involved.
1. **EXAMPLE:** You observe an officer using a prohibited chokehold while restraining a subject during an arrest. Based on your training and department policy this use of force is unreasonable. You tell the officer to “get off his neck”, but the officer continues to apply the hold. When it is safe to do so you should intervene by pulling the officers arm away from the neck area and assisting in the handcuffing. The arrestee should then be placed in a recovery position that facilitates breathing I.e. sitting, standing or on the side.
  2. Notify a supervisor after conducting any type of intervention, when safe to do so.
  3. When a physical intervention was performed, document the incident in writing.
- C. **RENDER AID:** If any person is injured and requires medical attention, officers of this department will render aid in accordance with their training and request medical assistance when necessary.
- D. **SUPERVISOR RESPONSIBILITIES:**
1. Once learning of an incident involving an officer intervening with another officer, separate all officers involved in the incident.
  2. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).
  3. Ensure all parties involved in the incident complete a report detailing the circumstances that led to the Intervention and what, if anything, occurred once the member intervened.
  4. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report.
  5. If appropriate, consider recommending that the member who intervened receive recognition for his/her actions.



Brett C. Hibbs  
Chief of Police