



POLICY AND PROCEDURE

Subject:
DUTY TO INTERVENE

Policy Number:

105

Number of Pages:

3

Date of Original Issue:

08/28/2024

Date of Revision:

By the Authority of:

Chief of Police: Zachary Owen

I. PURPOSE

It is the purpose of this policy to explain the legal and moral obligation members of this department have regarding their duty to intervene. This duty is embodied in the law enforcement officer's code of ethics and in the law. Agency members shall have a clear understanding of this department's expectations pertaining to conduct and activities while on and off-duty.

II. POLICY

A law enforcement officer has an affirmative duty to intervene and notify the appropriate supervisory authority if they observe another agency employee or public service officer engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state or federal law, or local ordinance.

Officers of this agency also have a duty to intervene when they observe or hear conduct by a fellow member of this agency that is unethical.

<p>POLICY AND PROCEDURE</p> <p>Policy Number:</p> <p>105</p>	<p>Subject:</p> <p>DUTY TO INTERVENE</p>	<p>Page:</p> <p>2</p>
--	---	------------------------------

III. DEFINITIONS

1. the willful failure to intervene when observing another officer physically abusing a person, whether or not the person is in custody, while in the performance of his official duties, if the officer knew the person's rights were being violated, the officer had an opportunity to intervene, and the officer chose not to do so;
2. the willful and knowing failure to promptly report, within 24 hours of the incident, another officer, while in the performance of his official duties, abusing a person whether or not the person is in custody;

IV. PROCEDURES

1. Officers of this agency have an affirmative duty to intervene if they witness a use of 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.
2. Officers of this agency 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 a 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.
3. 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.
4. If verbal interventions are not sufficient to stop the act, the officer has a duty to intervene to prevent and/or stop the misconduct, the wrongdoing,

<p>POLICY AND PROCEDURE</p> <p>Policy Number:</p> <p>105</p>	<p>Subject:</p> <p>DUTY TO INTERVENE</p>	<p>Page:</p> <p>3</p>
--	---	------------------------------

or the use of excessive force by any reasonable means as soon as it is safe and possible to do so.

5. The officer has a duty to report the incident as soon as it is reasonably possible (not to exceed 24 hours).
6. If any person is injured and requires medical attention, officers will render aid in accordance with their training and request medical assistance when necessary.
7. All reports of misconduct, wrongdoing, or the use of excessive force must be made in good faith. An employee who files a report in good faith to the appropriate authority may not be disciplined as a result of filing a good faith report of wrongdoing.
8. Supervisors informed of an incident involving an officer intervening shall conduct a preliminary investigation or refer to internal affairs to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvas, etc.); ensure that 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; and determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report.