

## 58.0 Duty to Intervene

**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. Members shall have a clear understanding of this Agency'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.

Members 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, clearly violates the law, or violates Agency policy.

**Protection:** This Agency is committed to protecting members who act on their duty to intervene to prevent or minimize misconduct by another member of this Agency.

### 58.1 DEFINITIONS:

- A. **Intervene** — To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

### 58.2 DUTY TO INTERVENE

- A. **Use of Force:** Members of this Agency have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. Any deputy present and observing another deputy 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. A deputy who observes another deputy's use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.
- B. Members 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 an Agency 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 a member of this Agency to disciplinary and or legal action.

### 58.3 REQUIRED ACTION – Agency Member

- A. Members should take a **preventive approach toward misconduct**. When a member of this Agency observes behavior that suggests another member is about to conduct illegal, unethical or inappropriate behavior the member should intervene verbally or physically, depending on the circumstances.
  - a. **EXAMPLE:** While conducting a motor vehicle stop for a minor traffic violation, you notice the primary deputy 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 deputy's attention to break his/her agitation, walk up next to the deputy and ask a follow up question of the driver to slow down the interaction and give the primary deputy a chance to collect him/herself, or ask the deputy 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 member and the other individual involved.
  - a. **EXAMPLE:** You observe a deputy using a prohibited chokehold while restraining a subject during an arrest. Based on your training and Agency policy this use of force is unreasonable. You tell the deputy

to “get off his neck”, but the deputy continues to apply the hold. When it is safe to do so you should intervene by pulling the deputy’s 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 their side.

b. Notify a supervisor after conducting any type of intervention, when safe to do so.

c. When a physical intervention is performed, document the incident in writing.

**C. Render Aid:** If any person is injured and requires medical attention, Members of this Agency will render aid in accordance with their training and request medical assistance when necessary.

**D. Supervisor Responsibilities:**

a. Once learning of an incident involving a member intervening with another member, separate all members involved in the incident.

b. 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.).

c. 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.

d. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct. Submit your findings to the Lieutenant or Captain of the respective division.

e. If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.

**E. Lieutenant/Captain responsibilities**

a. Review reports of member interventions received by the supervisor who completed preliminary investigation.

b. Ensure preliminary investigation findings have been documented fully.

c. Make a recommendation that the incident be closed, or referred for a follow-up investigation, training, and/or discipline, as appropriate.

d. Ensure all members involved are aware of the Washington County Employee Assistance Program, as appropriate.

e. Brief Staff Members on the details of the intervention and findings of the investigation.

f. When appropriate, issue a recognition of the positive actions of the member who intervened.