

## Duty to Intervene

### 350.1 POLICY

It is the policy of the Danville Police Department that members (both sworn and non-sworn) have an obligation to protect the public and other members. It shall be the duty of every member present at any scene where physical force is being applied to either stop, or attempt to stop, another member when force is being inappropriately applied or is no longer required.

### 350.2 PURPOSE

- A. Legal and Moral Obligation - It is the purpose of this policy to explain the legal and moral obligation of Danville Police Department members known as the *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 department expectations pertaining to conduct and activities while on and off duty.
- B. Protection - The Danville Police Department is committed to protecting its members who act on their duty to intervene to prevent or minimize misconduct by another department member.

### 350.3 DEFINITIONS

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

### 350.4 DUTY TO INTERVENE

- A. All members 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 law or 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 to disciplinary action.**
- B. All Danville Police Department members benefit when potential misconduct is not perpetrated or when a potential mistake is not made. Preventing misconduct increases public trust and preserves job security and integrity of all department members, ultimately protecting members from destroying their careers as a result of misconduct or, in some instances, as a result of a failure to intervene to prevent misconduct by others.

### 350.5 REQUIRED ACTION BY OFFICER(S)

- 1. If aid is required by any individual, ensure that medical attention has been rendered.
- 2. Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct unethical or inappropriate behavior.

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3. Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
4. Intervene verbally or physically, depending on the circumstances.

*EXAMPLE: While providing backup for a vehicle stop after a minor traffic violation, you notice the primary officer raising their voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In order to prevent an escalation, you could call the officer's attention to break their 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 themselves, or ask the officer to come speak to you away from the car in order to diffuse the situation.*

5. Take an active approach to intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another member.
6. If verbal interventions are not sufficient to stop the act, physically come between the offending member and the other individual involved.

*EXAMPLE: You observe an officer strike an individual without any reason. If appropriate, you could tell the officer to "cool it" or that you'll take over the matter and have them step aside. If necessary, step in between the officer and the individual or hold the officer back in order to stop them from inflicting more unnecessary force.*

7. Immediately notify a supervisor after conducting any type of intervention, when safe to do so.
8. When a physical intervention was performed, document the incident in writing and submit it to a permanent-rank supervisor.

### **DUTY TO INTERVENE BY SUPERVISOR(S)**

1. Once learning of an incident involving a member intervening with another member, separate all members involved in the incident.
2. Ensure the preservation of body worn camera and in-car camera footage.
3. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, in-car and body worn camera footage, other video/surveillance footage, area canvass, etc.).
4. Ensure all parties involved in the incident document in writing their observations/participation in the incident and detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened.
5. Ensure that a performance complaint entry is entered into AIM (Administrative Investigations Management).
6. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct, and make notifications through the chain of command to the Major of Operations or Major of Services.

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7. If appropriate, consider making a recommendation that the member who intervened receive recognition for their actions.

#### **DUTY TO INTERVENE BY NORTH OR SOUTH COMMAND CAPTAIN / MAJOR OF OPERATIONS / MAJOR OF SERVICES**

1. Review reports of member interventions received by the supervisor.
2. Ensure preliminary investigation and findings have been fully documented in AIM.
3. Make a recommendation that the incident be closed, or referred to one of the following for follow-up investigation, training, and/or discipline, as appropriate:
  - Captain of Professional Standards (IA Investigation)
  - Training Sergeant
  - Employee Assistance Program
  - Police Chaplain
4. When appropriate, issue a recognition of the positive actions of the member who intervened.

#### **DUTY TO INTERVENE – CHIEF OF POLICE / DEPUTY CHIEF OF POLICE**

1. Ensure all incidents resulting from a member invoking their duty to intervene are reviewed by the Captain of Professional Standards.
2. Ensure all such cases are classified and investigated thoroughly and properly, according to AIM investigation procedures.
3. Forward cases to other sections (e.g., Captain of Professional Standards, Training Sergeant, Employee Assistance Program, Police Chaplain, etc.) for investigation/ follow-up when appropriate.
4. Make final determination regarding the findings of each administrative investigation deriving from a member intervening or failing to intervene to stop misconduct.
5. If a criminal investigation is warranted, ensure that the Commonwealth's Attorney and / or the Virginia State Police is notified for follow-up.

#### **DISCIPLINARY PROCEDURES**

1. All discipline administered for failing to intervene shall be in compliance with departmental and City of Danville disciplinary policies and procedures.