

Stowe Police Department

General Order: 2.17 Duty to Intervene	Related General Orders: 1.04 Law Enforcement Code of Ethics 2.01 Use of Force-Response to Resistance 2.02 Use of Force – Response to Resistance Reporting
This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes:	
Issued By: Donald B. Hull, Chief of Police	
Date Implemented: 06/30/2020	Date Revised:

I. PURPOSE:

1. 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. Agency members shall have a clear understanding of this agency’s expectations pertaining to conduct and activities while on and off-duty.
2. 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.
3. 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, clearly violates the law, or violates agency policy.

II. PROTECTION:

1. This agency is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct by another agency member.

III. DEFINITIONS:

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

IV. PROCEDURE:

1. DUTY TO INTERVENE

- A. Use of Force: 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.
- B. 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 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 an officer of this agency to disciplinary and or legal action.

2. REQUIRED ACTION – Agency Member / Officer

- 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.
 - a. 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.
 - a. 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.

- b. Notify the Chief of Police after conducting any type of intervention, when safe to do so.
- c. When intervention was performed, document the incident in writing.

C. Render Aid:

- a. If any person is injured and requires medical attention, officers of this agency will render aid in accordance with their training and request medical assistance when necessary.

D. Sergeant Responsibilities:

- a. The Chief of Police will assign a Sergeant to conduct the investigation.
- b. Once learning of an incident involving an officer intervening with another officer, a Sergeant will start an investigation.
- c. If possible, separate all officers involved in the incident.
- d. 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.).
- e. Have 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.
- f. Sergeant will make initial determination whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report.
- g. The Chief of Police will review the reports and will make determination whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report. The Chief of Police may also at his discretion assign the investigation to another police agency. The Chief of Police may also review the incident with the States Attorney and/or the Attorney General's office. The facts and circumstances involved in the incident will determine the appropriate course of action.

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

V. DISCIPLINE:

Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.