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| Policy # Duty to Intervene | Related Policies:  Ethics  Response to Resistance | |
| *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 be for the basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.* | | |
| Applicable State Statutes: | | |
| **KACP:** | | |
| Date Implemented: | | Review Date:  11/8/2022 |

1. **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. Agency members shall have a clear understanding of this agency’s expectations pertaining to conduct and activities while on and off duty.
2. **Policy:** The policy of this department is to protect the citizens of the commonwealth by educating and informing officers on their duty to intervene. This agency is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct.
3. **DEFINITIONS:**
   1. **De-escalate –** Reduce the intensity of a conflict or potentially violent situation.
   2. **Intervene** ─ To come between, whether verbally or physically, to change the course of events.
4. **DUTY TO INTERVENE** 
   1. **Response to resistance:** Officers of this agency have an affirmative duty to intervene if they witness a response to resistance that is clearly unreasonable.
   2. Officers of this agency have a duty to intervene to prevent or stop any person from conducting any act that clearly violates the law.
   3. Officers of this agency have a duty to intervene to prevent or stop any agency employee from conducting any act that clearly violates agency policy.
   4. Failure to intervene may subject an officer of this agency to disciplinary and/or legal action.
5. **REQUIRED ACTION – Agency Member** 
   1. Officers should take a **proactive** approach to de-escalate situations.
   2. Officers must intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers.
   3. Officers must intervene when they observe or hear conduct by another law enforcement officer that is unethical or clearly violates the law.
   4. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances must, when in a position to safely do so, intervene to prevent the use of unreasonable force.
   5. Officers must notify a supervisor after observing another officer’s response to resistance that exceeds the degree of force permitted by law and conducting any type of intervention in response to a clear violation of law or agency policy.
   6. If any person is injured and requires medical attention, officers of this agency shall request medical assistance and provide safe access to the injured person for emergency medical services as soon as safe and practical. Officers should **render aid** when safe to do so in accordance with their training.
   7. Officers inhibited by the chain of command may report instances of unlawful or excessive force directly to the chief or any supervisor with whom they feel more comfortable approaching. If officers do not feel comfortable reporting through the chain of command or the chief, they can report the matter to the appointing authority.
   8. Retaliation against any agency employee for preventing, intervening, or reporting unlawful or unethical behavior or behavior that violates policy is prohibited. Any member of this agency who engages in retaliation against an individual who has prevented, intervened, or reported such conduct will be subject to discipline up to and including termination.
   9. **Supervisor Responsibilities:** 
      1. Instruct officers involved to complete appropriate documentation of the event subject to KRS 15.520.
      2. Conduct a preliminary investigation into circumstances surrounding the intervention and submit appropriate documentation.