



<b>CHAPTER 1: LAW ENFORCEMENT ROLE AND AUTHORITY</b>	<b>POLICY # 1.6 DUTY TO INTERVENE</b>
<p><i>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.</i></p>	
Date Implemented: 01/15/2021	Review Date:

**I. 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.

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.

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. 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 by another agency member.

**III. DEFINITIONS:**

- A. Deescalate** – Reduce the intensity of a conflict or potentially violent situation
- B. Intervene** – To come between, whether verbally or physically, to change the course of events that clearly violate the law or agency policy.

**IV. DUTY TO INTERVENE**

- A. Response to resistance:** Officers of this agency have an affirmative duty to intervene if they witness a response to resistance 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's response to resistance 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 clearly violates the law or agency policy. Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this agency to disciplinary and or legal action.

## V. REQUIRED ACTION – Agency Member

- A. Officers should take a **proactive** approach to deescalate situations that clearly indicate a risk of misconduct.
- B. Officers must notify a supervisor after conducting any type of intervention in response to a clear violation of law or agency policy.
- C. **Render Aid:** If any person is injured and requires medical attention, officers of this agency shall request medical assistance and may render aid in accordance with their training.
- D. **Supervisor Responsibilities:**
  - a. Instruct officers involved to complete appropriate documentation of the event subject to KRS 15.520.
  - b. Conduct a preliminary investigation into circumstances surrounding the intervention and submit appropriate documentation.