



SPECIAL ORDER

DATE OF ISSUE

06/09/2020

EFFECTIVE DATE

06/09/2020

NUMBER

20-18

SUBJECT

DUTY TO INTERVENE

REFERENCE

**102.3 Code of Conduct
304.2 Use of Force**

RESCINDS

EXPIRATION DATE

12/31/2020

DISTRIBUTION

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PURPOSE

The purpose of this Special Order is to explain to our members the legal and moral obligation to intervene.

POLICY

The purpose of this policy to explain the legal and moral obligation of the Detroit Police Department (DPD) members known as the Duty to Intervene. This duty is outlined in the law enforcement code of ethics, the Standard of Conduct, and in the law. DPD members shall have a clear understanding of the expectations pertaining to the standard of conduct while on and off-duty. DPD is also committed to supporting and protecting its members who act on their Duty to Intervene to prevent or minimize misconduct or excessive force by another member.

Definitions

Intervene

To come between as to prevent or alter a result or course of events.

Non-Involved Supervisor

A supervisor who did not authorize, witness, or participate in the incident. **Note:** A non-involved supervisor must conduct the investigation.

Reasonable Opportunity

Knowledge, ability and opportunity.

Duty to Intervene

All members, who have reasonable opportunity, must act to prevent or stop any member from conducting any act that is unethical, or that violates law or Department policy (for example, excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.).

1. Members must have reasonable opportunity to intervene in an incident.
2. Intervention is verbal and/or physical.
3. The level of intervention depends upon reasonable opportunity and the totality of the circumstances.
4. **Failure to Intervene may subject a member to disciplinary action.**

Liability for Failure to Intervene

A member, who has reasonable opportunity, but fails to intervene may be liable in a court of law and, at the very least, in disciplinary matters. Specifically as to excessive force, a member who fails to act to prevent the use of excessive force may be held liable when 1) the member observed or had reason to know that excessive force would be or was being used, and 2) the member had both the opportunity and means to prevent the harm from occurring. *Turner v Scott, 119 F. 3d 425 (1997).*

Member's Responsibility

Immediate Action

1. If medical assistance is required by any individual, ensure that Emergency Medical Service (EMS) is immediately requested and aid is rendered.
2. Take a preventative approach if a member is observing behavior that suggests that another member is about to conduct unethical or inappropriate behavior.
3. Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
4. Intervene verbally or physically, depending on reasonable opportunity and the totality of the circumstances.
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, come between the offending member and the other individual involved.
7. Immediately notify a supervisor after conducting any type of intervention, when it is safe to do so.
8. When a physical intervention was performed, document the incident in the RMS system and submit it to a supervisor.

Supervisor

1. Respond to an incident involving a member intervening with another member, and separate all members involved in the incident.
2. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (for example, interview witnesses, review body worn camera footage, perform a canvass, etc.).
3. Ensure all parties involved in the incident complete a RMS report, detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened.
4. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct.
5. Notify Professional Standards and Constitutional Policing.
6. If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.

Commanding Officer

1. Review reports of member interventions received by the supervisor.
2. Ensure a preliminary investigation and findings have been documented fully.
3. Review and make a recommendation that the incident be closed, members reinstructed, retrained, or referred to Professional Standards and Constitutional Policing for review.

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

Notifications to Professional Standards and Constitutional Policing

For all incidents of intervention by a member, Professional Standards and Constitutional Policing shall be notified.

Changes to the Department's policy manual are forthcoming.



JAMES E. CRAIG
Chief of Police