

# SWARTHMORE BOROUGH POLICE DEPARTMENT



## Policy Directive 1.3.11 – Duty to Intervene

Chapter:	Organization and Management Role	Directive:	1.3.11
Section:	Use of Force	Effective Date	2/25/2021
Title:	Duty to Intervene	Issue Date:	2/25/2021
Issued By:	Raymond C. Stuffle, Chief of Police	Reevaluation Date:	8/1/2022

Replaces:	All Previous Directives Relative To This Subject		
Distribution:	All Police Department Personnel		
Pennsylvania Accreditation References:	1.3.1.		
Related Documentation: Use of Force			

### I. PURPOSE

It is the purpose of this policy to explain the legal and moral obligation of the Swarthmore Borough Police Department members (both sworn and civilian employees) known as the Duty to Intervene. The Department is committed to protecting its members who act on their duty to intervene, to prevent or minimize serious misconduct, by another member.

II. **POLICY:** The Swarthmore Borough Police Department prohibits retaliatory conduct against or interference with an employee who reports, assists, or seeks to report breaches of department policy, procedures, rules, or engages in activities protected by whistleblower statutes. The Swarthmore Borough Police Department also requires all of its employees to report serious acts of misconduct. All members of this Department have a duty to intervene to prevent or stop any other member from conducting any serious violation of law or policy whether on duty or not.

### III. DEFINITIONS:

- a. **Affirmative Duty:** The personal responsibility and obligation of an employee to report wrongdoing. This is an affirmative duty, as opposed to only providing such information upon request.
- b. **False Report:** A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.
- c. **Good Faith Report:** A report that provides allegations concerning an employee who is reasonably believed to have committed a serious violation of departmental policy, procedures, rules, or laws.
- d. **Intervene:** To come between, whether verbally or physical, to prevent or alter or attempt to prevent or alter a result or course of events.
- e. **Retaliatory Conduct:** Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that: a) could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another Swarthmore Borough Police Department employee; (b) are designed to ridicule or embarrass; or; (c) could seriously impair the efficiency, safety, or effectiveness of that employee, Swarthmore Borough, and or the Swarthmore Borough Police Department. Such conduct may take many forms, including but not limited to bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.
- f. **Serious Acts of Misconduct:** A deliberate act, substantial deviation from policy or a failure to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action includes suspension, demotion, reassignment, or termination.

#### IV. PROCEDURE:

##### **- Duty to Intervene**

a.. All members of the Department 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 serious policy violations (e.g., excessive force, theft, fraud, sexual misconduct, harassment, falsifying documents, bias based policing, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject a member to disciplinary action up to termination.

b. All members benefit when potential misconduct is not perpetrated or when a potential mistake is not made. Preventing serious misconduct preserves job security and integrity of all 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 serious misconduct by others.

##### **- Member Responsibilities**

a. If aid is required by any individual, ensure that medical attention has been rendered.

b. Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct unethical or bias based behavior.

1. Examine the circumstances surrounding the incident to determine the appropriate form of intervention.

2. Intervene verbally or physically, depending on the circumstances.

c. Take an active approach to intervene to stop any unethical behavior or serious misconduct when such conduct is being committed by another member.

1. If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved, immediately notify a supervisor after conducting any type of intervention, when safe to do so.

d. Supervisors are mandated reporters. Depending on rank – the next level of supervisory authority will be notified. The information will be directed to the Chief of Police for review.

e. When a physical intervention was performed, document the incident.

f. All members have an affirmative duty to cooperate fully during the investigation of any allegation of misconduct whether conducted by this department or another authorized authority.

##### **- Supervisor Responsibilities**

a. Once learning of an incident involving a member intervening with another member, separate all members involved in the incident.

b. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, videos, area canvass, etc.).

c. Ensure all parties involved in the incident complete the appropriate documentation detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened.

##### **- Retaliatory Conduct**

a. Retaliatory actions against employees who make good faith complaints or reports of serious misconduct against another employee pursuant to this policy are forbidden. Such retaliatory acts will form the basis for charges of misconduct, resulting in potential disciplinary action. Any complaint of retaliatory conduct shall be submitted to the reporting employee's supervisor. If the supervisor is the subject of, or is involved in the complaint, an employee shall submit the complaint to the next employee in the chain of command.

**-Training -** Annual in-service training shall occur on this policy.