



Policy 319

Subject

DUTY TO INTERVENE

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By Order of the Police Commissioner

POLICY

The purpose of this policy is to set forth the legal, ethical, and affirmative duty of Baltimore Police Department (BPD) members to Intervene to prevent or stop Misconduct and/or other problematic behavior. **This policy creates no new reporting requirements for members beyond their existing duty to report Misconduct.** Instead, Intervening can prevent or stop member misconduct, reduce harm to individuals, and preserve the integrity of the Department. When Misconduct is prevented, there is no reporting requirement, however, members – with the consent of the intervened-upon – may report a successful Intervention. When Misconduct occurs, it must be reported (See Policy 302, *Rules and Regulations*).

CORE PRINCIPLES

Ethical Policing. BPD is a proud proponent of the peer intervention program, EPIC—Ethical Policing is Courageous. Indeed, the duty to Intervene is reflected in the BPD's statement of values and mission, in the law enforcement officer's code of ethics, and through BPD's training. By actively preventing or stopping Misconduct and/or other problematic behavior will preserve the integrity of the BPD and promote a culture of accountability.

Community Safety and Wellness. A member's duty to Intervene is rooted in the BPD's commitment to community service and treating members of the public fairly, respectfully, and with every effort to preserve human life, value, and dignity in all situations. Intervention can build community trust through accountability for problematic incidents.

Officer Safety & Wellness. A member's duty to Intervene is rooted in the BPD's commitment to member safety and wellness. Member Interventions that prevent Misconduct and/or other problematic behavior will lead to fewer citizen complaints, fewer member grievances, higher morale, and a healthier working environment. Preventing misconduct preserves job security and the integrity of all BPD members, ultimately protecting members from jeopardizing their careers as a result of Misconduct or, in some instances, as a result of a failure to Intervene to prevent Misconduct by others. In turn, a more accountable and healthy police department restores community trust, and aids in the shared policing goals of the community and the BPD, which ultimately helps the crime fight.

DEFINITIONS

Intervene — To verbally or physically interact with another member so as to prevent or alter a result or course of events.

Misconduct – Action, inaction, and/or failure to act by any member of the BPD, civilian or sworn, that violates BPD policy, the Constitution, or the law, including but not limited to criminal acts, applicable civil laws, administrative rules, or regulations.

GENERAL

1. All members must recognize and act upon the affirmative duty to Intervene to prevent or stop any member from conducting any act that is unethical or that violates law or policy, including, but not limited to:
 - 1.1. Excessive force, including intentionally escalating an encounter absent a lawful, necessary purpose,
 - 1.2. Stops, searches, and arrests that are unconstitutional or violate BPD policy,
 - 1.3. Discriminatory policing (See Policy 317, *Fair and Impartial Policing*),
 - 1.4. Retaliation against an individual participating in 1st Amendment protected activity,
 - 1.5. Theft/fraud/waste,
 - 1.6. Inappropriate language including discourteous language to members of the public,
 - 1.7. Sexual misconduct,
 - 1.8. Harassment,
 - 1.9. Falsifying documents, and
 - 1.10. Inappropriate behavior.
2. Additionally, members have an affirmative duty to Intervene when they see unsafe behavior and/or bad tactics, corner-cutting, and signs of a fellow member's stress and/or mental health issues that are affecting their performance. If apparent signs of stress and/or mental health issues are affecting a colleague's performance, members may Intervene by connecting their colleague to the Officer Safety and Wellness (OSW) Section, and/or informing their Supervisor for a referral to the BPD's Employee Assistance Program (EAP) (See Policy 1703, *Employee Assistance Program*). Specific EAP resources and the direct contact information for the OSW Section are available on the BPD's Intranet at:
http://intranet.bpdnet.org/Documents/Officer%20Safety/OSW_Resource_and_Contact_List.pdf
3. Interventions may be verbal and/or physical depending on the urgency of the situation and the potential level of Misconduct and/or problematic behavior.
4. Instances of successful member Intervention may be referred to the BPD's Meritorious Service Board for a commendation (See Policy 1712, *Departmental Awards and Commendations*).

REQUIRED ACTION**Member**

5. Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to engage in unethical or inappropriate behavior.
 - 5.1. Examine the circumstances surrounding the incident to determine the appropriate form of Intervention.
 - 5.2. Intervene verbally or physically, depending on the circumstances.
6. Take an active approach to Intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another member.
7. If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved when safe and feasible while preserving officer safety (e.g., maintaining tactical advantage over a suspect).
8. If the other member is receptive to the Intervention, and the unethical conduct is avoided, members may proceed with their duties. If no misconduct occurs, there is no reporting requirement.
9. If the other member is **not** receptive to the Intervention and **misconduct** occurs, members shall immediately contact a supervisor to respond to the scene, and ensure their body-worn camera (BWC) is activated.

Supervisors

10. If appropriate, consider making a recommendation to the Meritorious Service Board that the member who Intervened receive the Peer Intervention Ribbon for his/her actions.
11. If misconduct occurred, supervisors shall report it per BPD policy.

Public Integrity Bureau (PIB)

12. Consider attempts to intervene or the reception of intervention as mitigating factors in disciplinary decisions resulting from misconduct investigations as appropriate.

ASSOCIATED POLICIES

Policy 301, *Code of Ethics*
Policy 302, *Rules and Regulations*
Policy 308, *General Disciplinary Process*
Policy 310, *Disciplinary Matrix / Failure to Appear and Traffic Matrix*
Policy 317, *Fair and Impartial Policing*
Policy 804, *First Amendment Protected Activity*
Policy 1016, *Public Observation/Recording of Officers*
Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*
Policy 1109, *Warrantless Searches*
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*
Policy 1115, *Use of Force*
Policy 1701, *Equal Employment Opportunity and Diversity*
Policy 1703, *Employee Assistance Program (EAP)*
Policy 1712, *Departmental Awards and Commendations*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.