

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



VOLUME: 2

CHAPTER: 3

OF PAGES: 4

SUBJECT: DUTY TO INTERVENE

EFFECTIVE DATE:

July 31, 2025

ACCREDITATION STANDARDS:

1.2.10 (CALEA)

BY THE ORDER OF:

Chief Giacomo Sacca

BY AUTHORITY OF:

Police Director Earl J. Graves

SUPERSEDES ORDER #:

PURPOSE The purpose of this general order is to maintain legal and moral obligations of Elizabeth Police Department employees known as the duty to intervene.

POLICY It is the policy of the Elizabeth Police Department for its personnel to maintain the legal and moral obligations of their office. These obligations are embodied in this agency's mission statement, values, and code of ethics, and in the law. Elizabeth Police Department employees must have a clear understanding of this agency's expectations pertaining to conduct and activities while on and off duty.

It is also the policy of the Elizabeth Police Department to protect its employees who act on their duty to intervene to prevent or minimize misconduct by other employees.

PROCEDURE

I. DEFINITIONS

- A. Employee – Is any police officer, supervisor, civilian employee, or volunteer of this agency.
- B. Intervene – To come between, whether verbally or physically, whichever is needed to prevent, stop, or alter a result or course of events, using that which is required.

II. DUTY TO INTERVENE

- A. All employees must recognize and act within their scope of authority and training to intervene within their scope of authority and training and notify appropriate supervisory authority if they observe another agency employee or public safety associate engage in any unreasonable or unlawful use of force, bias-based policing, discrimination, harassment in the workplace, sexual misconduct, falsifying documents, or if they become aware of any violation of departmental general orders, state law, or federal law, or local ordinance. Intervention may be verbal and/or physical. Failure to intervene could subject an employee to disciplinary action.
- B. All Elizabeth Police Department employees benefit when potential misconduct is not perpetrated or when a potential mistake is not made. Preventing misconduct preserves job security and integrity of all Elizabeth Police Department employees, ultimately protecting employees from destroying their careers resulting from misconduct or, in some instances, because of a failure to Intervene to prevent misconduct by others. Examples include, but are not limited to:
 - 1. USE OF FORCE: This general order, together with the department's *Use of Force* general order, reinforces the responsibility of officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers. Officers are required to take appropriate action within their scope of authority and training in any situation when they are clearly convinced that other officers are using force in violation of state law or this directive. Officers have a legal, moral, and ethical obligation to report all situations in which force is used illegally by anyone. Officers are encouraged to do whatever they can within their scope of authority and training to interrupt the flow of events before other agency officers do something illegal and before any official action is necessary.
 - 2. BIAS-BASED POLICING: Employees witnessing behavior contrary to the department's *Biased-Based Policing* general order are required to take immediate action within their scope of authority and training to end the behavior.
 - 3. DISCRIMINATION AND HARASSMENT IN THE WORKPLACE: Employees who observe any behavior or conduct by another employee that constitutes prohibited discrimination or harassment or possess knowledge of any form of prohibited discrimination or harassment as set forth in department directives, shall take action to stop and prevent further conduct or behavior that is in violation of the department's general order on *Harassment in the Workplace* and promptly report the incident and the action taken, in writing, in accordance with department's directive on *Harassment in the Workplace*.

Employees who observe any condition, such as graffiti, cartoons, posters, or calendars that are sexual in nature, sexually suggestive, discriminatory, or harassing in nature shall promptly report the condition to their supervisor. Supervisors shall make immediate report to the Chief of Police through the chain of command.

- C. The fact that all rules, regulations, and policies are not mentioned in this general order does not relieve employees from reporting, through the chain of command, known, witnessed, or observed violations of other rules, regulations, general orders, and policies of the Elizabeth Police Department.

III. REQUIRED ACTION

A. Employees:

1. If medical aid is required by any individual, ensure that medical attention has been rendered.
2. Take a preventive approach, whenever possible, if observing behavior that suggests that another employee is about to conduct unethical or inappropriate behavior. This includes behavior or conduct that would violate the department's *Use of Force* general order, *Bias-Based Policing* general order, *Harassment in the Workplace* general order, and any other general order of this agency.
 - a. Examine the circumstances surrounding the incident to determine the appropriate form of Intervention.
 - b. Intervene verbally or physically, depending on the circumstances within your scope of authority and training.
3. Take an active approach to intervene to stop any unethical behavior or misconduct when such conduct is being committed by another employee.
4. If verbal interventions are not sufficient to stop the act, come between the offending employee and the other individual involved, when applicable.
5. Immediately notify a supervisor after conducting any type of intervention, when safe to do so.
6. If a supervisor is subject of the intervention, the intervening employee shall notify the next level of supervision in the chain of command, a division commander, Internal Affairs commander, or the Chief of Police. All such notifications shall be documented.
7. When a physical intervention was performed, document the incident, and submit it through the chain of command to the Chief of Police.

B. Supervisors:

1. Once learning of an incident involving an employee Intervening with another employee, separate all employees involved in the incident.

2. Supervisors of all ranks are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with all department policies and to take or recommend corrective action as indicated, including counseling and training, and reporting violations to the Chief of Police through the chain of command.
3. Regarding bias-based policing, supervisors shall monitor traffic stop patterns, computer data entries recorded by officers, and any allegations of biased activity.
4. To ensure the integrity of the work environment to be free from discrimination and harassment, supervisors are required to ensure adherence to and compliance with the department's general order on *Harassment in the Workplace*.
 - a. Supervisors shall create an atmosphere free from harassment, intervene to stop or prevent harassment or discrimination they witness or observe, and to communicate the department's policy of non-discrimination to all subordinates.
 - b. Upon becoming aware of possible prohibited discrimination or harassment, including sexual harassment, supervisors are required to, in addition to stop the conduct or behavior, advise an officer or employee of their right to file a complaint, gather and preserve any evidence, submit a report documenting their actions and observations, and report the matter through the chain of command.
5. All actions taken or recommended to be taken shall be documented in writing and submitted through the chain of command.

C. Internal Affairs:

1. All reports of intervention will be forwarded to Internal Affairs for investigation.
2. Internal Affairs will conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the Intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).
3. Internal Affairs will require all parties involved in the incident complete written reports detailing the circumstances that led to the intervention and what, if anything, occurred once the employee Intervened.
4. Internal Affairs will determine whether the actions leading to the Intervention constitute misconduct, unethical behavior, or potential criminal conduct.
5. If appropriate, Internal Affairs will consider recommending that the employee or employee who Intervened receive recognition for his/her actions.