



DUTY TO INTERVENE

✓ new: rescinds: amends:		cross-reference: Tompkins County Policy 11-45
		accreditation standards: NYSLEAP Standard(s):
effective date: June, 2020	amend date:	

I. PURPOSE

The purpose of this General Order is to explain the legal and moral obligation of Tompkins County Sheriff's Office members known as the Duty to Intervene. This duty is embodied in the Sheriff's Office mission statement, the law enforcement officer's code of ethics and by law.

II. DEFINITIONS

Intervene: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

III. POLICY

Sheriff's Office members shall have a clear understanding of TCSO's expectations pertaining to conduct and activities while on and off-duty. The Sheriff's Office is committed to protecting its members who act on their duty to intervene to prevent or minimize misconduct by another TCSO member. The Sheriff's Office policy will be consistent with the [County's Whistleblower Provisions and False Claims Acts policy](#).

IV. PROCEDURE

A. Required Action (Member)

1. If aid is required by any individual, ensure that medical attention has been rendered.
2. Take a preventative approach, whenever possible, if 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.

Example: While providing backup for a vehicle stop after a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In order to prevent an escalation,

you could call the officer's attention to break their agitation, walk up next to the officer and ask a follow up question of the driver to slow down the interaction and give the primary officer a chance to collect him/herself, or ask the officer to come speak to you away from the car in order to diffuse the situation.

4. Take an active approach to intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another individual involved. Any officer present and observing another officer using force that they reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

Example: You observe an officer strike an individual without any reason. If appropriate, you could tell the officer to "cool it" or that you'll take over the matter and have them step aside. If necessary, step in between the officer and the individual or hold the officer back in order to stop him/her from inflicting more unnecessary force.

5. An officer who observes another officer use force that exceeds the degree of force objectively reasonable as outlined in *G.O. 900 Use of Force –General* should promptly report these observations to a supervisor.
6. Immediately notify a supervisor after conducting an intervention to stop unethical behavior or misconduct, when safe to do so.

B. Required Action (Sergeant)

1. Once learning of an incident involving a member intervening with another member, 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, what led to the intervention and what, if anything, occurred once the member intervened.
3. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, a policy violation, or potential criminal conduct. Submit your findings to the Lieutenant or Administrator of the respective division.
4. If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.

C. Required Action (Lieutenant/Jail Administrator)

1. Review reports of member interventions received by the sergeant.
2. Ensure preliminary investigation and findings have been documented fully.
3. Make a recommendation that the incident be closed, or referred for a follow-up investigation, training, and/or discipline, as appropriate to the Undersheriff.

4. Ensure that all members involved are aware of the Tompkins County Employee Assistance Program, as appropriate.
5. When appropriate, issue a recognition of the positive actions of the member who intervened.

D. Required Action (Office of the Sheriff)

1. Ensure all reports resulting from a member invoking his/her duty to intervene are reviewed.
2. Ensure all such cases are classified and investigated thoroughly and properly, according to TCSO internal investigation procedures.
3. Approve/disapprove the resulting findings of each investigation deriving from a member intervening and determine the consequence (i.e. discipline, training, etc.) if appropriate.

Attachments:

- A. [Tompkins County Whistleblower Provisions and False Claims Acts](#)

By Order Of



Derek Osborne
Sheriff