

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURES

No. 1370

Supersedes: NA

Effective: July 22, 2020

Page: NA Section: NA

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Dated: July 22, 2020

DUTY TO INTERVENE

- I. PURPOSE:** The purpose of this policy is to set forth an explanation of an Officer's duty to intervene when another officer or officers act in a manner that is unethical and may also be a violation of law and/or Departmental policy.
- II. POLICY:** It is the policy of the Upper Merion Township Police Department to establish a working atmosphere where officers understand their individual role in maintaining the professional integrity of the Department and the constitutional rights of the citizens whom we serve. Officers must understand their collective responsibility in holding each other accountable for the benefit of not only the Department, but for the community who empowers them to protect and serve them.
- III. CROSS-REF:** POLICY #410: USE OF FORCE
POLICY #1330: CODE OF CONDUCT
UPPER MERION TOWNSHIP POLICE DUTY MANUAL
- IV. DEFINITIONS:**
- INTERVENE: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.
- MEANINGFUL INTERVENTION: An action carried out with a serious, concerned, important and useful quality or purpose.
- PERFUNCTORY INTERVENTION: An action carried out with a minimum effort or reflection.

V. DUTY TO INTERVENE:

- A. All sworn members of the Department must recognize and act upon the duty to intervene to prevent or stop any member from conducting any behavior or action that is perceived to be unethical or that violates law or policy, especially the application of unreasonable or excessive force.
- B. When an intervention by an officer or officers must be initiated, an intervention must be meaningful and not perfunctory in nature. The meaningfulness of an intervention will be viewed in light of the totality of the circumstances known to the officer or officers at the time the intervention occurs and upon what a reasonably prudent officer would do under the same or similar circumstances.
- C. Rank, work assignment or seniority shall not be a barrier to a sworn member's duty to intervene.
- D. It is understood that a sworn member may only be able to intervene if sufficient time existed prior to or during any behavior or action that is unethical, or that violates law or policy.
- E. Failure to intervene may subject a sworn member to disciplinary action, civil liability and/or criminal prosecution.
- F. The intervention of an officer by itself is not an indication that a violation of the law and/or policy has occurred. Intervention is a mechanism that serves as a prevention tool as well as means to terminate behavior or actions are not in line with the mission of the Department.

VI. REQUIRED ACTIONS:

- A. PREVENTION: Take a preventive approach, whenever possible, if observing behavior that suggests that another sworn member is about to conduct behavior or take an action that is unethical, or that violates law or policy.
 - 1) Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
 - 2) If verbal interventions are not sufficient to prevent the act, come between the offending member(s) and the other individual(s) involved.

B. ACTION: Take an active approach to intervene to stop any behavior or action by a sworn member that is unethical, or that violates law or policy when such conduct is being committed by another sworn member.

- 1) Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
- 2) If verbal interventions are not sufficient to stop the act, come between the offending member(s) and the other individual(s) involved or otherwise physically intervene.

VII. RECOGNITION OF USE OF FORCE:

A. All sworn members should recognize the most likely times when any sworn member's heightened emotions could lead to an application of unreasonable or excessive use of force. The Departmental guidelines for de-escalation, as outlined in Policy No. 410 – Use of Force, do not prevent a sworn member from using de-escalation as a technique after any escalated level of force has been used. A tactical pause may be appropriate for an Officer or Team of Officers to use time to: ensure tactical positioning, continue communications, de-escalate heightened emotional responses, bring additional resources to the scene and continue a teamwork approach. Some incidents where this approach would most likely be important are during periods following an apprehension related to a foot pursuit, a vehicle pursuit, a violent felony arrest or during a struggle to take a subject into police custody.

VIII. NOTIFICATION AND REPORTING:

- A. Immediately notify a supervisor after conducting any type of intervention, when safe to do so.
- B. The duty to report a violation of laws, ordinances, rules or orders is clearly outlined in Section 310.40 of the Upper Merion Township Police Duty Manual and in Department Policy No. 1330 – Code of Conduct.

APPROVED: *Thomas Nolan*
Chief Thomas M. Nolan

DATE: 07/22/2020

APPROVED: *Jeremy Johnson*
Captain Jeremy Johnson

DATE: 07/22/2020

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
Township Manager
File