



TYLER POLICE DEPARTMENT

GENERAL ORDER: 12.900

	DUTY TO INTERVENE	
	EFFECTIVE DATE: 06-12-2020	
	REVISED DATE: 03-30-2021	
CALEA STANDARDS: 1.2.10		

12.901 PURPOSE

- A. It is the purpose of this policy to explain the legal and ethical obligations encapsulated within the statement *“Duty to Intervene”* to the members of the Tyler Police Department. This duty is exemplified in the Department’s mission statement, core values, and both state and federal law. All department personnel shall have a clear understanding of this agency’s expectations concerning their conduct and activities while on and off-duty.
- B. Furthermore, the Tyler Police Department is dedicated to protecting those employees (sworn and non-sworn) who intervene to stop employee misconduct in accordance with [General Order 03.200 – Code of Conduct](#) and [General Order 12.100 – Use of Force](#).

12.902 DEFINITIONS

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

12.903 POLICY

- A. It is the expectation of the Tyler Police Department that all employees recognize and act upon their duty to intervene to prevent or impede any member of the Department, public safety associate, or member of an outside agency from conducting any act that is unethical, violates law, or policy (e.g., excessive use of force, theft, sexual misconduct, harassment, inappropriate behavior, etc.). Intervention may be verbal and/or physical.
 - 1. **An employee who fails to intervene may be subject to disciplinary action, up to and including indefinite suspension or termination from the Tyler Police Department.**

12.904 REQUIRED EMPLOYEE ACTIONS

- A. If medical aid is required by any individual, employees shall notify EMS personnel to respond and ensure treatment is rendered.
- B. Preventive Approach**
 - 1. All employees are to take preventive measures to stop or limit misconduct in other members of the Department, public safety associate, or member of an outside agency. If an employee observes behaviors that suggest another law enforcement associated person is about to conduct unethical or inappropriate behavior, the employee shall:
 - a. Examine the circumstances surrounding the incident to determine the appropriate form of intervention;
 - b. Intervene verbally or physically, depending on the circumstances.
- C. Active Approach**
 - 1. When an employee observes another member of the Department, public safety associate, or member of an outside agency engaging in unethical behavior or misconduct, the employee shall take active steps to stop the conduct being committed by the individual.
 - a. If verbal intervention techniques are inadequate, the employee has a duty to physically intervene by either stepping between the member, public safety associate, or employee of an outside agency and the offender, request the individual leave the immediate location, and/or restrain the individual if necessary.
- D. Should an employee have to engage in any type of intervention (i.e. verbal or physical) they shall, when safe and practical to do so, immediately notify a supervisor.

12.905 INVESTIGATING SUPERVISOR

- A. Upon learning of an incident involving an employee who took intervening action towards another individual, whether verbal or physical, the supervisor shall, as soon as practical, separate all persons involved in the incident.
- B. The initial supervisor shall be responsible for initiating a preliminary investigation into that matter; gathering any and all pertinent information that would affirm the reason for the intervention (e.g., witnesses, BWC footage, videos, photographs, etc.).
 - 1. Should the reason for the intervention involve a member of the Tyler Police Department and potential criminal conduct or conduct as prescribed in

[General Order 3.400, subsection 3.405\(1\) – Integrity Unit](#), the investigating supervisor shall notify the persons listed below.

- a. Chief of Police or their designee;
 - b. Asst. Chief / Division Commander;
 - c. Shift / Unit Lieutenant or Activing Shift / Unit Lieutenant;
 - d. Investigative Division Lieutenant or Crimes Against Persons Sergeant; or
 - e. Integrity Unit or designee.
- C. Should the reason for the intervention involve a public safety associate or member of an outside agency, the investigating supervisor shall notified the persons noted in subsection 12.905B1a-e directly above. Additionally, the investigating supervisor shall notify, if known, the supervisory personnel or agency responsible for the public safety associate or outside agency member of the potential criminal conduct
- D. If the reason for the intervention does not included potential criminal conduct or conduct outlined in [General Order 3.400, subsection 3.405\(1\) – Integrity Unit](#), the investigating supervisor shall be responsible for completing a Record of Investigation detailing the investigations findings and forwarding it through the supervisor’s chain of command for review with their recommendations (i.e. training, oral reprimand, written reprimand, etc.).
1. The Record of Investigation should include all actions that resulted in the intervention and whether the employee’s conduct in question constituted misconduct, unethical behavior, or potential criminal conduct.
- E. Finally, the investigating supervisor, if appropriate and after consulting with their chain of command, may consider recommending the employee who intervened be recognized for their actions.

12.910 ASST. CHIEF / DIVISION COMMANDER

- A. The Asst. Chief / Division Commander shall be responsible for reviewing all reports and related matters of the intervention received by the investigating supervisor.
 1. This shall be done to ensure the preliminary investigation and findings have been fully documented and reviewed prior to being submitted to the Integrity Unit.
- B. Notifying the Integrity Unit or designee and the Chief of Police of the intervention and involved personnel.
- C. Ensure the appropriate persons / agency is notified shall the reason for the intervention involve a public safety associate or member of an outside agency.

- D. Forward the completed Record of Investigation to the Integrity Unit Sergeant for recording and review purpose, along with any recommendations (i.e. training, oral reprimand, written reprimand, etc.) regarding the intervention.
- E. Recommending the intervening employee be recognized for their actions if applicable.

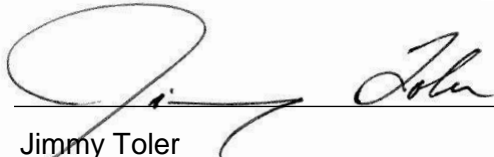
12.911 INTEGRITY UNIT

- A. The Integrity Unit or designee shall be responsible for conducting any necessary follow-up investigation pertaining to an incident of intervention. The investigation shall be documented on the department's Record of Investigation form.
- B. Should the reason for the intervention involve potential criminal conduct or conduct outlined in [General Order 03.400, subsection 03.411\(B\) – Integrity Unit](#) the Integrity Unit Sergeant or their designee shall be responsible for the preliminary and any follow-up investigations concerning only the intervention and administrative matters.
 - 1. The manner in which the investigation of the intervention is conducted shall be in accordance with [General Order 03.400, subsection 03.411\(B\) – Integrity Unit](#) and [General Order 12.100, subsection 12.114\(C\) – Use of Force](#).
- C. Should the Integrity Unit Sergeant be notified directly by an employee of an incident of intervention, the Chief of Police and the employee's chain of command shall be notified.
 - 1. If the incident of intervention involves potential criminal conduct the investigation shall be handle as noted in subsection B directly above.
- D. Complete an annual report documenting the number and type (e.g. verbal or physical) of employee interventions and the outcome of the interventions.

12.912 CHIEF OF POLICE

- A. Ensure all documentation and the completed Record of Investigation resulting from an employee's intervention has been reviewed by the Integrity Unit.
- B. Ensure all incidents of intervention are classified and investigated thoroughly and properly, according to Department's investigative procedures.
 - 1. Coordinate with respective Asst. Chiefs / Division Commanders to make certain the appropriate persons / agency is notified when the reason for the intervention involves a public safety associate or member of an outside agency.
- C. Approve / disapprove the recommendations based on the findings of each investigation derived from an incident of intervention.

Approved: 03-30-2021



Jimmy Toler
Chief of Police