



Washington State Criminal Justice Training Commission

Duty to Intervene Model Policy

PURPOSE

The purpose of this policy is to establish clear guidelines, provisions, and actions for any on-duty peace officer to intervene in the event there is knowledge and/or witnessed excessive use of force or wrongdoing committed by another peace officer. The intent is to assist peace officers in making sound decisions regarding the duty to intervene, to prevent misconduct and excessive uses of force.

SCOPE

Washington state General Authority Peace Officers.

DEFINITIONS

For purposes of this section:

Excessive Use of Force: force that exceeds the force permitted by law or policy of the witnessing peace officer's agency.

Peace Officer: refers to any general authority Washington state peace officer.

Wrongdoing: conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

POLICY

Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so, in accordance with RCW 10.93.190, to end the use of excessive force or attempted use of force, or to prevent the further use of excessive force.

Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.



Peace officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required.

A peace officer who is present and visually observes another peace officer using force that is excessive per department policy shall intervene and attempt to prevent and/or stop the use of excessive force or other wrongdoing as soon as it is safe and feasible. A peace officer's duty to intervene and report will be reviewed under an objectively reasonable officer standard. A peace officer who visually observes another peace officer use force that is excessive under this policy, or who otherwise witnesses clear wrongdoing or has a good faith belief that another peace officer committed wrongdoing, shall promptly report those observations and actions to their immediate supervisor. These actions and observations shall be documented in an official report.

Retaliation will not be tolerated against any peace officer who complies with their duty to intervene or those that engage in good faith intervention. A member of a law enforcement agency shall not discipline or retaliate against a peace officer in any way for intervening in good faith or reporting wrongdoing in good faith.

RENDER AID

A peace officer shall provide or facilitate first aid to the injured person at the earliest and safest opportunity at the scene in accordance with RCW 36.28A.445.

REPORTING

Peace Officers shall report to a supervisor immediately and/or when feasible if the following occurs:

- Peace Officer is involved in an intervention
- Peace Officer witnesses excessive force by another peace officer
- Peace Officer witnesses any wrongdoing committed by another peace officer
- Has good faith belief that wrongdoing was committed by another peace officer

Law enforcement agencies shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.