



Duty to Intervene and Report

<i>Original Date of Issue</i> July 15, 2020	<i>General Order Number</i> 20-01
<i>Effective Date of Reissue</i> July 15, 2020	<i>Section Code</i>
<i>Reevaluation Date</i> July 2021	<i>Amends</i>
<i>C.A.L.E.A.</i> 1.2.1	

I. PURPOSE

Trust placed in the Iowa City Police Department by the community can be damaged or completely lost if employees do not take action when encountering inappropriate conduct by other employees or members of other law enforcement agencies. Therefore, it is paramount for personnel to understand that immediate action and intervention is a requirement of their employment and a component of their oath of office and code of ethics.

II. POLICY

All employees of the Iowa City Police Department shall have a clear understanding of the Department's expectations pertaining to conduct and activities while on and off-duty and their duty to intervene.

The Department is committed to protecting its employees who act on their duty to intervene to prevent or minimize misconduct by another employee.

III. DEFINITION

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

IV. PROCEDURES

A. Duty to Intervene

1. All employees shall intervene if they observe or become aware of what they believe to be criminal conduct, unconstitutional behavior, unnecessary or excessive use of force, or other actions that violate a law, City policy or department directives, by any employee of the Iowa City Police Department.
2. In addition to the MOU signed by Johnson County law enforcement chiefs dated June 19, 2020 and notwithstanding any other provision herein, an officer present and observing any law enforcement officer using unreasonable force shall immediately physically intervene, when in a position to do so, to prevent the use of unreasonable force.
3. All employees shall intervene if they observe or become aware of what they believe to be unnecessary or excessive use of force or any act that violates a law by any employee of another law enforcement agency.
4. The duty to intervene applies to all department employees, and failure to intervene may subject an employee to disciplinary action up to termination.
5. Civilian employees of the department, not trained in defensive tactics, are not required to intervene physically but must immediately notify the on-duty supervisor if verbal intervention is not successful.

B. Duty to Report

1. Secondary in priority to intervention, but as soon as possible, all employees shall provide a verbal report to an on-duty supervisor if they observe or become aware of what they believe to be criminal conduct, unconstitutional behavior, unnecessary or excessive use of force, or any act that violates a law, City policy or department directives, by any employee of the Iowa City Police Department.

A written report of the incident shall be completed and submitted to the employee's immediate supervisor within 24 hours.

2. Secondary in priority to intervention, but as soon as possible, all employees shall provide a verbal report to an on-duty supervisor if they observe or become aware of what they believe to be unnecessary or excessive use of force or any act that violates a law by any employee of another law enforcement agency.

A written report of the incident shall be completed and submitted to the employee's immediate supervisor within 24 hours.

3. The duty to report applies to all department employees, and failure to report may subject an employee to disciplinary action up to termination.

C. Additional Employee Responsibilities

1. Take a preventive approach to intervene if observing behavior that suggests that another employee is about to conduct illegal and inappropriate behavior listed in section IV.A of this policy.
 - a. Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
 - b. Intervene verbally or physically, depending on the circumstances.
2. If aid is required by any individual, ensure that medical attention has been rendered.

D. Supervisor Responsibilities

1. Once learning of an incident involving an employee intervening with another employee, separate all employees involved in the incident.
2. If aid is required by any individual, ensure that medical attention has been rendered.
3. Ensure all parties involved in the incident complete the appropriate documentation detailing the circumstances that led to the intervention and what, if anything, occurred once the employee intervened.
4. Notify command staff as soon as possible.

5. Within 24 hours of the intervention complete a report of inquiry report and forward to command staff.
6. Notify command staff if you receive a report of intervention regarding an employee of another law enforcement agency.

E. Command Staff Responsibilities

1. Notify the City Manager's office and City Attorney's office of the incident as soon as possible.
2. Review reports of employee interventions.
3. Initiate an internal affairs investigation consistent with GO 99-06 titled Internal Affairs.
4. Insure that any community member that was the focus of any department employee's criminal conduct, unconstitutional behavior, unnecessary or excessive use of force, or other inappropriate activities, including but not limited to any act that violates a law, City policy or department directives, are made aware of the department's and the Community Police Review Board's complaint process.
5. Notify command staff of the corresponding law enforcement agency if a report of intervention is received regarding an employee of another law enforcement agency.
6. If the report of intervention involves excessive force or a violation of someone's civil or constitutional rights, the Johnson County Attorney's Office shall also be notified.

F. Retaliation

1. There shall be no retaliation against any employee for intervening, or for assisting, testifying or participating in the investigation of such intervention.
2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
3. Monitoring to ensure that retaliation does not occur is the responsibility of all supervisors.

Denise Brotherton, Interim Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.