



Duty to Intervene	Related Policies: Ethics, Code of Conduct/Use of Force
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: 20 V.S.A. § 2401	
Date Adopted: December 14, 2020	Date Reviewed:

I. PURPOSE:

This policy explains the legal and moral obligation members of the Bennington Police Department (BPD) having regarding their duty to intervene. This duty is embodied in the law enforcement officer's code of conduct, and in Vermont State Statute. BPD members shall have a clear understanding of this agency's expectations pertaining to their conduct and activities while on and off-duty.

A law enforcement officer shall intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers.

Officers of the BPD shall also intervene when they observe or hear conduct by a fellow member of the BPD that is unethical, clearly violates the law, or violates BPD policy.

II. POLICY:

A. Protection: The department shall protect officers who act on their duty to intervene to prevent or minimize misconduct by another BPD member, members of the organization and the broader community.

B. Duty to Intervene:

1. Officers of the BPD shall intervene if they witness a use of force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes

another employee's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

2. Officers of the BPD must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or a BPD policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of the BPD to disciplinary and or legal action.

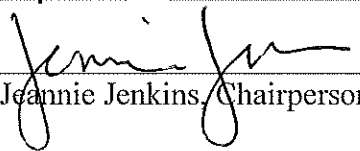
III. DEFINITIONS:

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

B. Objectively Reasonable: The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is present with.

This policy is adopted by the Select Board of the Town of Bennington, Vermont, this day

12 of October, 2021 and is effective until amended or repealed


Jeannie Jenkins, Chairperson

A. PROCEDURES - DUTY TO INTERVENE:

a. Use of Force: Officers of this department have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use of force that exceeds the degree of force permitted by law, should promptly report these observations to a supervisor.

b. Officers of this department must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or a department policy (e.g. excessive force, theft, fraud, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this agency to disciplinary and or legal action.

B. REQUIRED ACTION - Department Member

A. Officers should take a preventive approach toward misconduct. When an officer observes behavior that suggests another officer is about to conduct illegal, unethical or inappropriate behavior, the officer should intervene verbally or physically, depending on the circumstances.

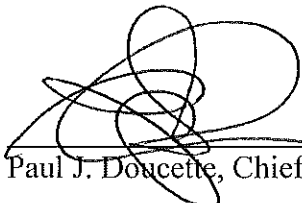
- a. EXAMPLE: While conducting a motor vehicle stop for a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In an attempt to deescalate the situation, you could get the officer's attention to break his/her 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.
- b. Notify a supervisor after conducting any type of intervention, when safe to do so.
- c. When a physical intervention was performed, document the incident in writing.

B. Render Aid: If any person is injured and requires medical attention, officers of this department will render aid in accordance with their training and request medical assistance when necessary.

C. Supervisor Responsibilities:

- a. Once learning of an incident involving an officer intervening with another officer, separate all officers involved in the incident.
- b. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g. witnesses, body camera footage, videos, area canvass, etc.)
- c. Ensure all parties involved in the incident complete a report detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened.
- d. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report. The report shall be forwarded to the Chief of Police through the chain of command.

The policies and procedures outlined above are hereby adopted by the Chief of Police of the Town of Bennington, Vermont this 12 day of OCTOBER, 2021 and is effective as of this date until amended or repealed.



Paul J. Doucette, Chief of Police