



Sioux Falls Police Department

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Policy: Duty to Intervene	Related Policies:	Section #: 100 Standards /Conditions of Employment
		Policy #: 125
		Effective: 6/2021
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<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 be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: ASD		
Reference: South Dakota Administrative Rules 2:01:11:10		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

1.1. It is the purpose of this policy to explain the legal and moral obligation members have regarding their duty to intervene. This duty is embodied in the law enforcement officer’s code of ethics, and in the law. Agency members shall have a clear understanding of this agency’s expectations pertaining to conduct and activities while on and off-duty.

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

Officers of this agency also have a duty to intervene when they observe or hear conduct by a fellow member of this agency that clearly violates the law.

2. Policy:

2.1. This agency is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct by another agency member.

3. Definitions:

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

4. Procedure:

4.1. DUTY TO INTERVENE

4.1.1. Use of Force: Officers of this agency have an affirmative duty to intervene when a fellow officer is subjecting a person to excessive force. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when there is a realistic or reasonable opportunity to do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

4.1.2. Officers of this agency must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is clearly unconstitutional, or that violates the law. Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this agency to disciplinary and or legal action.

4.2. REQUIRED ACTION – Agency Member

4.2.1. When an officer observes another officer engaging in illegal behavior the officer, when presented with a realistic or reasonable opportunity to do so, should intervene verbally or physically, depending on the circumstances.

4.2.2. If verbal interventions are not sufficient to stop the act, an officer, when presented with a realistic or reasonable opportunity to do so, should come between the offending officer and the other individual involved.

4.2.2.1. Notify a supervisor after conducting an intervention involving any act that is clearly unconstitutional, or that violates the law when the officer has a realistic or reasonable opportunity to do so.

4.2.3. Render Aid: If any person is injured and requires medical attention, officers of this agency, when presented with a realistic or reasonable opportunity to do so, will render aid in accordance with their training and request medical assistance when necessary.

4.2.4. Supervisor Responsibilities:

- 4.2.4.1. Once learning of an incident involving an officer intervening with another officer, separate all officers involved in the incident.
- 4.2.4.2. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).
- 4.2.4.3. Ensure all parties involved in the incident complete documentation detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened.
- 4.2.4.4. Determine whether the actions leading to the intervention constitute misconduct, or potential criminal conduct and then document the findings.
- 4.2.4.5. Report the incident, when the supervisor has a realistic or reasonable opportunity to do so, through the chain of command to the Chief of Police and document the findings.