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<b>Duty to Intervene</b>	Related Policies: Ethics, Code of Conduct Response to Resistance/ <u>Use of Force</u>
<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 agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: 20 V.S.A. § 2401	
Date Adopted:	Date Reviewed:

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

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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.

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

**II. POLICY:**

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**A. Protection:** The department shall protect officers who act on their duty to intervene to prevent or minimize misconduct by another BPD member.

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**B. Duty to Intervene:**

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**1.** Officers of the BPD shall intervene if they witness a use 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 shall promptly report these observations to a supervisor.

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

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11 **A. Intervene:** To come between, whether verbally or physically, so as to prevent  
12 or alter a result or course of events.  
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18 This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this  
19 \_\_\_\_\_ day of \_\_\_\_\_, 2020 and is effective as of this date until amended or  
20 repealed.  
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23 \_\_\_\_\_  
24 Donald Campbell, Chairperson  
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A law enforcement officer ~~has an affirmative duty to shall~~ intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers.

Officers of ~~the BPDthis agency~~ also ~~have a duty to shall~~ intervene when they observe or hear conduct by a fellow member of ~~the BPDthis agency~~ that is ~~un~~ ethical unethical, clearly violates the law, or violates agency policy.

**II. POLICY:**

**A. Protection:** ~~Theis agency department shall protectis committed to protecting~~ officers who act on their duty to intervene to prevent or minimize misconduct by another BPDagency member.

**B. Duty to Intervene:**

**1.** Officers of ~~the BPDthis agency~~ ~~have an affirmativeshall -duty to~~ intervene if they witness a use 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,

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