

Mecklenburg County Sheriff's Office

	MCSO General Order # 43	Effective Date: June 5, 2020
	Subject: Duty to Intervene Policy	
	Rescinds: No Previous Version	Authored: June 1, 2020
	Approved: Sheriff Garry L. McFadden 	

I. Purpose:

It is the purpose of this General Order to explain the obligation of Mecklenburg County Sheriff's Office (MCSO) personnel known as the Duty to Intervene. This duty is expected of all MCSO employees pertaining to conduct and activities observed while on and off-duty.

II. Policy:

It is the policy of the Mecklenburg County Sheriff's Office that all MCSO employees recognize and act to intervene to prevent or stop other MCSO employee(s) from conducting any act that is unethical or that violates law or Sheriff's Office policy. MCSO is committed to encouraging appropriate intervention, and to protecting any staff member who does so. Any staff member who, acting in good faith based upon the situation or facts before him/her, intervenes to prevent or minimize misconduct of another, will not be subject to disciplinary action for his/her intervention.

III. Definitions:

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

IV. Duty to Intervene:

- A.** All staff members must recognize and act upon the Duty to Intervene to prevent or stop any staff member from conducting any act that is unethical, or that violates law or 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 a staff member to disciplinary action.**
- B.** All MCSO personnel benefit when potential misconduct is not perpetrated or when a potential mistake is not made. Preventing misconduct preserves job security and integrity for all MCSO employees, ultimately protecting employees from destroying their careers as a result of misconduct or, in some instances, as a result of a failure to intervene to prevent misconduct by others.

C. Required Action:**MCSO Employees:**

1. If aid is required by any individual, ensure that medical attention has been rendered either by providing such assistance if trained/qualified to do so, or by calling for assistance if required (including calling 911 if appropriate).
2. Take a preventive approach, whenever possible, if observing behavior that suggests that another staff member is about to conduct unethical or inappropriate behavior.
3. Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
4. Intervene verbally or physically, depending on the circumstances.

EXAMPLE: While providing backup for a vehicle stop after a minor traffic violation, you notice the primary deputy raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In order to prevent an escalation, you could call the deputy's attention to break his/her agitation, walk up next to the deputy 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 deputy to come speak to you away from the car in order to diffuse the situation.

5. Take an active approach to intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another staff member.
6. If verbal interventions are not enough to stop the act, come between the offending colleague and the other individual involved.

EXAMPLE: You observe a detention officer strike an individual without any reason. If appropriate, you could tell the detention officer to "cool it" or that you'll take over the matter and have them step aside. If necessary, step in between the detention officer and the individual or hold the detention officer back in order to stop him/her from inflicting more unnecessary force.

7. Immediately notify a supervisor after conducting any type of intervention, when safe to do so.
8. All types of interventions whether physical or verbal shall be documented on an Incident Report and submitted through the Chain of Command.
9. Employees also have a duty to report any unethical/illegal conduct when learned of even if after the alleged unethical/illegal conduct has occurred. Notification will be made a supervisor and documented on an Incident Report and submitted through the Chain of Command.

D. MCSO Supervisors:

1. Once learning of an incident involving one staff member intervening with another staff member, separate all staff members involved in the incident.
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.).
3. Ensure all parties involved in the incident complete an Incident Report, detailing the circumstances that led to the intervention and what, if anything, occurred once the staff member intervened.
4. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and complete the necessary Allegation of Employee Misconduct FA-1-SO.
5. If appropriate, consider recommending that the staff member who intervened receive recognition for his/her actions.

E. MCSO Command Level:

1. Review reports of interventions received by the supervisor.
2. Ensure preliminary investigation and findings have been documented fully.
3. Recommend that the incident be closed or referred to the Office of Professional Compliance (OPC) for further investigation and/or discipline, as appropriate.
4. When appropriate, issue a recognition of the positive actions of the member who intervened.
5. Forward all documentation to the Office of Professional Compliance for permanent entry into the offending employee's internal affairs record.

F. Office of Professional Compliance Responsibility:

1. Ensure all documentation resulting from a staff member fulfilling his/her duty to intervene is reviewed by OPC personnel and the appropriate entry made into IA Pro.
2. Ensure that cases adjudicated by the unit level Chain of Command are properly documented.
3. Ensure all such cases are classified and investigated thoroughly and properly, according to OPC investigative procedures.

V. Closing:

Questions regarding this General Order should be referred to your Chain of Command or the Office of Professional Compliance (OPC).