



<b>Series</b> 100 Administration	<b>Effective Date</b> / /	<b>Review Date</b> Three Years	<b>Directive Number</b>  <b>102.12</b>
<b>Chapter</b> 102 - Standard of Conduct			
<b>Reviewing Office</b> Office of the Support Operations			<div><input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> <b>Directive</b> <b>Revised</b> Revisions in <i>italics</i></div>
<b>References</b>			

## **DUTY TO INTERVENE**

### **102.12 - 1 PURPOSE**

The purpose of this directive is to *establish policy governing a member's obligation to intervene (in specific circumstances to ensure protection of the public, other members, and the Detroit Police Department (DPD)). The requirements of this directive supplements, but does not supersede, requirements to report all misconduct as required by DPD policy.*

### **102.12 - 2 POLICY**

*Members have a legal, moral, and ethical responsibility to prevent and stop improper actions by law enforcement and other government officials. DPD members are committed to upholding the highest standards of ethical conduct and public trust. This duty aligns with the Department's core values of integrity, professionalism, and service to the community. Every member has a responsibility to foster a culture that values accountability, transparency, and ethical conduct, and to provide support and protection to members who act in good faith to intervene. This may include issuing recommendations for meritorious service for members who intervene.*

Members are legally obligated to intervene under Michigan law in situations involving excessive force. Federal law further requires members to intervene when an individual's constitutional rights are being violated (e.g., false arrests and discriminatory policing). A member's obligation to intervene applies regardless of the rank, seniority, position, or title of the persons involved. Members who fail to intervene when required may expose themselves to arrest, prosecution, civil liability<sup>1</sup>, and disciplinary action.

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<sup>1</sup> See, e.g., *Turner v. Scott*, 119 F.3d 425 (1997) (holding that a member who fails to act to prevent the use of excessive force may be held liable when the member observed or had reason to know that excessive force would be or was being used and the member had both the opportunity and means to prevent the harm from occurring).

## **102.12 - 3 Definitions**

### **102.12 - 3.1 Intervene**

*An action sufficient to prevent a constitutional harm.*

### **102.12 - 3.2 Non-Involved Supervisor**

A supervisor who did not authorize, witness, or participate in the incident.

### **102.12 - 3.3 Reasonable Opportunity**

*The knowledge, ability, and opportunity to safely and effectively intervene in a specific situation.*

## **102.12 - 4 Duty to Intervene**

All members who have reasonable opportunity *to intervene* must act to prevent or stop any member or official from *violating the constitutional rights of another*. The level of intervention required depends *on the totality of the circumstances*.

### **102.12 – 4.1 Excessive Force**

- 1. Members shall take all reasonable steps necessary to prevent or stop an official's use of excessive force or unnecessary violence against an individual.*
- 2. For purposes of this directive, excessive force is force that is objectively unreasonable under the circumstances or that otherwise clearly violates DPD policy governing use of force.*
- 3. Members who use force to intervene shall do so consistent with DPD policy governing use of force. Physical intervention shall only be attempted when it is safe to do so.*
- 4. Members shall take reasonable steps to intervene to prevent the use of force by another person in instances where it is clear that excessive force may be imminent (e.g., obvious anger, loss composure, or intentional escalation of an encounter). Reasonable steps may include de-escalation measures, summoning a supervisor, etc.*
- 5. If medical assistance is required, ensure that Emergency Medical Service (EMS) is immediately requested and aid is rendered.*
- 6. Notify a non-involved supervisor in accordance with DPD protocols regarding responding to and investigating use-of-force incidents.*

### **102.12 – 4.2 Discriminatory Policing**

- 1. Members have an obligation to protect members of the public from biased or discriminatory policing practices, including enforcement decisions based in whole or in part on the race, color, sex, religion, national origin, height, weight, marital status, gender identity, or sexual orientation of any person.*
- 2. Members who have observed or are aware of other members who have engaged in activities based on bias, prejudice, or discriminatory intent shall immediately report such incidents to a supervisor or the Professional Standards Bureau.*
- 3. Members who have observed or are aware of members of other law enforcement agencies having engaged in activities based on bias, prejudice, or discriminatory intent shall immediately report such incidents to their supervisor.*

### **102.12 – 4.3 Constitutional Violations**

1. *Members having knowledge of any actions by others that could reasonably lead to an infringement of constitutional rights are obligated to intervene.*
2. *Members shall intervene by preventing or reporting any of the following when it is objectively reasonable to believe a member or other official has committed any of the following:*
  - a. *An unlawful seizure (e.g., traffic stop, arrest, or detention).*
  - b. *An unlawful search.*
  - c. *Making false statements in a written report, warrant application, or while testifying under oath.*
  - d. *Mishandling or improperly disposing of evidence.*
  - e. *Unnecessary damage or destruction of property.*
  - f. *Retaliation against any person for engaging in activity protected by the First Amendment.*

### **102.12 - 5 Reporting Requirements**

Members who intervene in, or have knowledge of, any of the prohibited acts listed in this directive shall notify a non-involved supervisor or the Professional Standards Bureau directly as soon as possible following the incident. Members must also complete an incident report as soon as practicable.

### **102.12 - 6 Supervisor Responsibilities**

*A non-involved supervisor shall respond to any incident involving a member intervening in the actions of another member or official and separate the members. The supervisor shall notify the Professional Standards Bureau (PSB) regarding how the information was obtained.* Personnel assigned to the Professional Standards Bureau will make the determination as to who will handle the investigation. The supervisor will ensure that the intervening member completes an incident report as soon as possible following the incident.

### **102.12 - 7 Retaliation**

*Retaliation in any form against a member who intervenes as required under this directive is prohibited and shall result in discipline up to and including termination.*