

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> July 2, 2020		<i>Amended Date</i> February 18, 2021		<i>Directive</i> 2.25.1	
<i>Subject</i> Duty to Intervene					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 2.25.1 Duty to Intervene		<i>Review Date</i> July 17, 2023	
<i>Pages</i> 2					

This Operations Directive is for internal use only and does not enhance an officer’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to establish a duty for all employees to intervene in any excessive use of force.

SECTION 2 POLICY

It is the policy of the Department that any employee that observes another employee using force that is clearly beyond what is reasonable and necessary has a duty to intervene by verbal and/or physical means. Any employee that observes an excessive use of force will, as soon as practical, report the use of force to a supervisor in writing. This same standard applies even if the employee using force is a supervisor. Excessive force by any police officer or employee will not be condoned or tolerated.

SECTION 3 PROCEDURES

A. DUTY TO INTERVENE

1. Any employee present and observing another employee, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to prevent the use of excessive force. Examples of force that would require an employee's intervention may include, but are not limited to: use of choke holds [in any situation where deadly force would not be authorized]; using force against a restrained or subdued suspect; leaving a secured suspect in a prone position in any fashion that restricts breathing or blood flow; any use of force in violation of this Department's policy.
2. Non-sworn employees are not expected to intervene physically. Intervention should be accomplished through other means, such as verbally interceding, getting another officer's attention, calling for a supervisor, etc.
3. Employees shall promptly report excessive use of force to a supervisor in writing. The obligation to report remains in place even if the employee is successful in intervening in the use of excessive force. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline.

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B. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.