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## **Use of Force Briefing Training – Duty to Intercede**

### I. Section 300.1.1 DEFINITIONS

- A. Intercede - Includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, locations, time, and situation, in order to establish a duty for that officer to intervene.

### II. Section 300.2.2 DUTY TO INTERCEDE

- A. Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.
- B. Each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.
- C. Officers should intercede when another officer is about to use unnecessary force before the situation escalates to the use of unnecessary or excessive force.
- D. Intercession may be verbal and/or physical.
- E. The duty of an officer to intercede is not relieved by, nor is deferrable to, other officers or supervisors at the scene.
- F. Supervisors who observe force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, should issue a verbal command to the officer and take appropriate action to cause the unnecessary or excessive force to immediately cease.

### III. Section 300.2.3 FAILURE TO INTERCEDE

- A. An officer or supervisor who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer or supervisor who used force beyond that which is necessary.

### IV. Section 300.2.4 DUTY TO REPORT EXCESSIVE FORCE

- A. Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor.
- B. "Immediately" means as soon as it is safe and feasible to do so.



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TRAINING OUTLINE

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V. Sunrise PD Video

A. How did officer intercede?

1. Physical
2. Recording

B. How does our policy apply to this video?

1. Section 300.2.2 Duty to Intercede
2. Section 300.2.3 Failure to Intercede
3. Section 420.7 Required Use of Body-Worn Cameras

- a. It shall also be deemed a violation of this policy for an officer to intentionally terminate a BWC recording in order to conceal the committing of a violation of law or Department policy.

C. Be a leader, no matter your rank!

D. What effect could the sergeant's escalation have on the criminal case against the suspect or future cases?

1. Prosecutor may decide to drop charges against suspect
2. Hinders detectives' ability to develop rapport and get a confession
3. Decreases trust between department and whole community

E. What should happen to each officer involved?

1. Sergeant was placed on administrative leave with pay immediately. He was charged eight months later with felony battery of a police officer and misdemeanor assault charges. He was allowed to retire one year after the incident.
2. Other officers?
3. Officer who interceded?