

# Manager/Police Chief Relations: Partnering to Support The Police Department Defuse Tense Encounters

- Duty to Intervene
- Peer (Officer) Bystander Intervention



**The PREVENT Group**

Law Enforcement and Public Safety Consultants

# DEFINING MOMENTS IN POLICING

**Rodney King**  
March 3, 1991

**Laquan  
McDonald**  
October 20, 2014

**Eric Garner**  
July 17, 2014

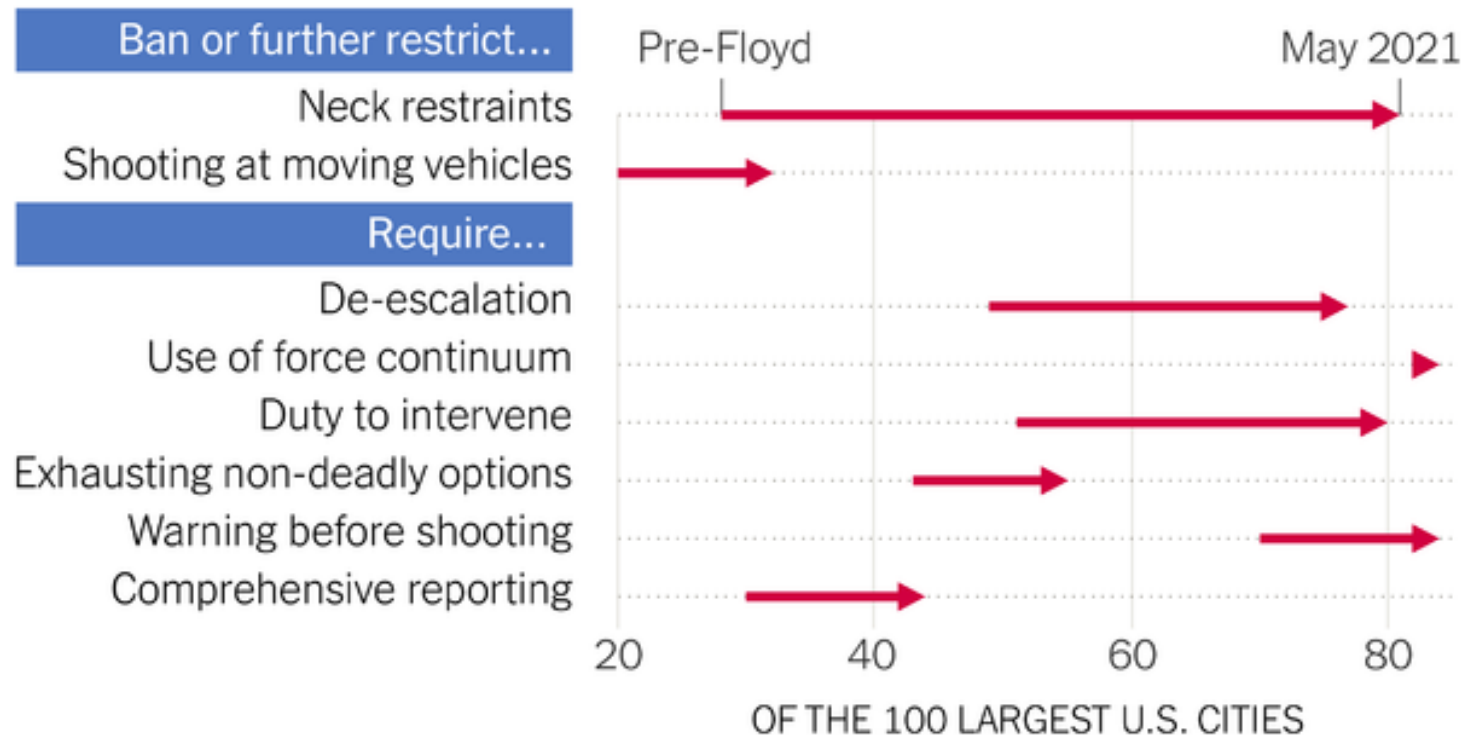
**George Floyd**  
May 25, 2020



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# DEFINING MOMENTS IN POLICING

## Policing changes since George Floyd's killing



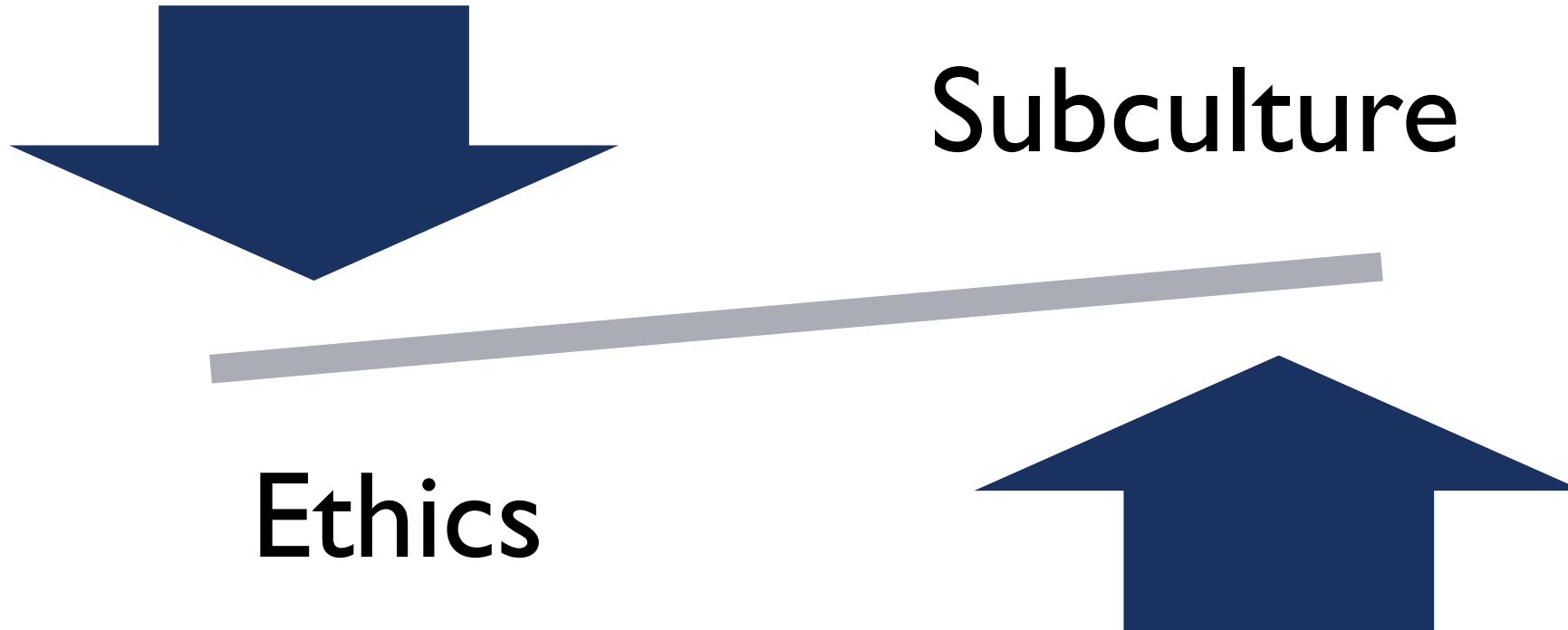
OF THE 100 LARGEST U.S. CITIES

By The New York Times | Source: Campaign Zero



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# EFFECT OF CULTURE ON POLICE ACTION



# EFFECT OF CULTURE ON POLICE ACTION

- Police subculture is indoctrinated early in a police officer's career through the process of *informal socialization*.
- A set of *values, beliefs, and attitudes* that shape how police officers *perceive* their working environment and *act* within it.
- Officers develop a *working personality* characterized by:
  - An “us-versus-them” view
  - A code of silence
  - Accepted patterns of behavior



# RESHAPING ORGANIZATIONAL CULTURE

**Leadership**

**Culture**

**Conduct**

**Straightforward Leadership**

**Open Atmosphere**

**Administrative Courage**

**Training Program**



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# PEER (OFFICER) BYSTANDER INTERVENTION

- A *shared expectation* that all law enforcement personnel have a duty to intervene and/or notify supervisory authority if they observe or become aware of malfeasance.
- Having the *moral courage* to find a way to safely intervene to stop a potentially dangerous situation.
- Coming between, whether verbally or physically, so as to *prevent* or *alter* a result or course of events.
- Capacity to *respond* to, *defuse*, and *redirect* self and others.



# LEGAL CONSIDERATIONS

- **Section 1983 (Civil Rights Act)**
  - Police officers have an *affirmative obligation* to protect citizens' rights from being violated by fellow officers.
  - While the framework for *bystander liability* may vary slightly by jurisdiction, the premise is substantially the same:
    - An officer knows that a fellow officer is violating an individual's constitutional rights;
    - The officer had a realistic opportunity to prevent the harm; and
    - The officer failed to intervene and stop it.





# LEGAL CONSIDERATIONS

- The Illinois **SAFE-T** Act

- Law enforcement officers have an *affirmative duty* to intervene to stop or prevent another law enforcement officer from using any unauthorized use of force or force that exceeds the degree of force permitted.
- Law enforcement agencies are prohibited from *disciplining* or *retaliating* against an officer that intervenes or who reports unconstitutional or unlawful conduct.
- ILETSB has discretionary authority to *decertify* officers based upon a Board determination that they failed to comply with duty to intervene, including through acts or omissions.



# CONSEQUENTIAL IMPLICATIONS

- **Subjecting the agency to civil litigation**
  - Excessive use of force
  - Violations of civil rights
- **Defending against such allegations**
  - Drains an organization financially
  - Has a long-term reputation effect
- **A single incident can destroy an officer's career**




# FAILURE TO INTERVENE

- **Inhibitors to Action**

- The aberrant behavior may have become so *commonplace* over time that it just seems normal.
- In some cases, may *agree* with what is going on and/or have no *desire* to get involved.
- Not *interpreting* the conduct as misconduct – neutral or confused about what is taking place.
- Not being *aware* of the duty to intervene and/or not *feeling* empowered to act.



# FAILURE TO INTERVENE

- Lack of *training* or *understanding*
  - Belief that *loyalty* means *supporting* a colleague's actions
  - Peer pressure – social fear of *ostracism*, *harassment*, or *retaliation*
  - **Risk/Benefit Analysis**
    - Will my actions *really* make a difference?
    - What potential *harm* could come to me or others as a result of taking a stand?
- 



# MANAGER/POLICE CHIEF ROLE

- **R**equisite that Managers and Police Chiefs share similar *visions* and *values* for their police departments.
- **O**utline, via mission statements/policies, the *philosophy* and *operational guidelines* of the department.
- **L**ead the organization from the current “*as is*” state to a desired future “*to be*” state.
- **E**ducate, advocate for, and reinforce the *principles* and *benefits* of peer (officer) intervention throughout the organization.



# MANAGER/POLICE CHIEF ROLE

- **P**olicy Management
- **R**ecognition Practices
- **O**verarching Commitment
- **M**ission, Vision, and Values
- **O**fficer Wellness Program
- **T**raining and Development
- **E**valuation and Accountability



# POLICY MANAGEMENT

- Maintain a well-defined *Duty to Intervene* policy, separate from the agency's use-of-force policy, that officers must intervene if witnessing a fellow officer:
  - applying force inappropriately or when it is no longer required
  - engaging in any act that is unethical, violates law or policy
- Should have a policy requiring *officer performance reviews* for *indicators of conduct* that may require intervention.
- Agency's *misconduct* policy should require the investigation of all apparent instances of a failure to intervene.



# POLICY MANAGEMENT

- The agency should have a strong written *anti-retaliation* or *Whistleblower Protection* policy:
  - to ensure interveners are not punished, targeted, or otherwise ostracized; and
  - that the agency will promptly and fully investigate all instances of apparent retaliation.
- Agency's *discipline* policy should recognize a successful intervention that prevents misconduct from escalating a *potential factor* in any consequent discipline proceeding.
- Policies may *impose* or *require* officers to step in or take more action than what is necessitated by the law.





# RECOGNITION PRACTICES

- Policy alone cannot be effective unless it is backed by an organizational culture where peer intervention is *actively encouraged* and *rewarded*.
- Reward *constitutional policing*, *procedural justice*, and *limited use of force*.
- Positive recognition and rewards provide employees:
  - Motivation to *maintain* and *improve* their performance.
  - A clarification of what *behaviors* and *outcomes* the organization values.



# OVERARCHING COMMITMENT

- The effective and formal deployment of initiatives requires *top-down organizational commitment* from all stakeholders.
- Need to *reflect* the agency's culture and philosophy as part of a comprehensive strategy and practice.
- An *understanding* of their substantial necessity in law enforcement and the desired internal and external benefits of their successful adoption and application.
- *Supported* by providing and reinforcing clear and concise expectations with diligent follow-up and accountability.



# MISSION, VISION & VALUES

- Intervention initiatives can *benefit* police organizations by:
  - Supporting their mission, vision and professionalism
  - Enhancing their relationship with the communities they serve, building public trust and confidence
- Initiatives should be closely connected to the organization's mission and strategy *clarifying* direction, *motivating* people, and *aligning* individuals.
- The *principles* and *benefits* of peer (officer) intervention should be *promoted* and *reinforced* through regular internal and external communications.



# OFFICER WELLNESS PROGRAM

- As policing changes to meet contemporary challenges – *health, wellness, and emotional intelligence (EI)* for law enforcement is becoming substantially important.
- Institute a *meaningful* officer wellness program applying a holistic approach – mind (EI) and body (wellness).
- Foster practices that equip officers to better *manage* their stress levels and resilience.
- Can be considered officers' *internal body armor* for their physiological, emotional, and mental well-being.



# TRAINING AND DEVELOPMENT

- Implement or transition to a “guardian-style” approach . . .
  - Emphasizes *communication* and *critical thinking* skills.
  - Focuses on *de-escalation* techniques, while maintaining a tactical mindset.
  - Builds *trust* with the community and turns “us vs. them” into “we.”
- Active Voice and Officer Intervention to Defuse



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- Active Voice and Officer Intervention to Defuse
- Passive to Active: The INTERCEDE Model



# EVALUATION AND ACCOUNTABILITY

- Accountability refers to and encompasses:
  - **Police behaviors** – the extent of police officers' actions with regard to citizens' lawful, respectful, and equitable treatment.
  - **Performance outcomes/results** – the extent to which police ensure citizen safety and security.
  - **Policies and procedures** – the extent to which policies are applied, measured, and monitored.



# EVALUATION AND ACCOUNTABILITY

- Evaluation of key metrics to measure accountability:
  - Review *policies* and *procedures* periodically to ensure you are following best practices.
  - Develop mechanisms to capture both positive and negative *feedback* and *suggestions*:
    - Internal/external surveys
    - Employee focus groups
    - Citizen advisory function





# EVALUATION AND ACCOUNTABILITY

- Analyze *in-car* and *body-worn camera recordings* where intervention was used to assess officer performance.
- Conduct audits of *internal affairs*, *professional standards*, or *administrative data* to examine intervention practices:
  - Use of force reports/reviews
  - Excessive force complaints
  - Community complaints
  - Officer discipline cases
  - Civil actions



# EXPECTED IMPACTS

- Building *trust* and police-community *relations*
- Avoiding *mistakes* and preventing *misconduct*
- Reducing *harm* and *stress* to officers and others
- Increasing officer *wellness* and *safety*
- Reducing *citizen* complaints and *disciplinary* issues
- Lessening the *risk* of *liability* and *lawsuits*
- Saving *time* and *money*



# CONTACT INFORMATION



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