

<b>Title of Recommendation</b>	Duty to Intervene and Training to Support It		
<b>Author(s): (Subcommittee or committee members)</b>	Andrew Kalloch, Settlement Agreement and Policy Subcommittee	<b>Date presented</b>	June 23, 2020
<b>Summary of Recommendation:</b> Support cultural shift by strengthening policy requiring officers to intervene and adopting intervention training. In addition, PCCEP supports efforts at the State level to mandate a duty to intervene policy statewide.			

**Explanation of recommendation:**

Police officers sometimes stand by while their colleagues engage in excessive force (other professions are not immune to being bystanders while colleagues break rules/norms).

Social psychology tells us that there are significant inhibitors to intervention that need to be intentionally addressed, not only through a clear and unequivocal policy requiring intervention (as in [Las Vegas](#)), but also through intervention training, like that pioneered in [New Orleans](#), that "represents a cultural change in policing that equips, encourages, and supports officers to intervene to prevent misconduct and ensure high-quality policing."

To that end, PPB should both strengthen the duty to intervene *and* enact training to bolster that policy through cultural change.

Currently, the Portland Police Bureau Use of Force directive ([1010](#)) includes the following passage: "Members have a duty to reasonably intercede to prevent the use of unlawful force by another member." The qualification of "reasonable" as well as the narrow definition of "unlawful force", as defined by the courts, severely limit this duty.

Furthermore, as detailed in the [Use of Force database](#), while the types of force most often used to take individuals into custody are control against resistance and resisted handcuffing, as tragically displayed in George Floyd's killing, officers have used

additional force to effectuate arrests of individuals, even where those individuals are suspected of non-violent crimes and pose no threat of serious bodily harm to the officers or the public at large.

As a result, **PCCEP recommends that the PPB amend the provision on duty to intercede**, which could include language like that shown below *or similar language*:

*Members have a duty to intervene to prevent the use of force by another member where such force is:*

- 1. Prohibited by PPB directives; and/or*
- 2. Is unnecessary to protect officers or the public from an immediate threat of serious injury or death; and/or*
- 3. Is unnecessary to effectuate an arrest, unless failure to take the individual into custody would reasonably place the officers or members of the public at risk of serious injury or death.*

Of course, policy is not enough. Minneapolis had a duty to intervene in place that was not followed by officers involved in George Floyd’s killing. To further instill intervention as a necessary and courageous act in the culture of the Police Bureau, **PCCEP recommends that the Bureau launch intervention training similar to the EPIC program in New Orleans.**

The EPIC program is a “intervention program developed by the NOPD, in collaboration with community partners, to promote a culture of high-quality and ethical policing.” As stated by NOPD, “EPIC strives to redefine police culture so that intervention to prevent or stop harmful action is not an exception to good team-work; it is the very definition of good teamwork.”

**How does this recommendation redress barriers to racial equity?**

This recommendation will help reduce the use of excessive force that has often been disproportionately applied to people of color.

<p><b>How does this recommendation improve outcomes for people with behavioral health issues, challenges and /or in crisis?</b></p>	<p>This recommendation will help reduce the use of excessive force that has often been disproportionately applied to people with mental illness or those experiencing (or thought to be experiencing) a behavioral health crisis.</p>
<p><b>How were marginalized and underrepresented communities, including those who will be affected by this recommendation, engaged to shape, write and otherwise develop this recommendation?</b></p>	<p>The recommendation was discussed at PCCEP's special meeting on Sunday, June 7, and received broad support. It was further refined and brought to the Settlement Agreement and Policy Subcommittee on June 10, where it received additional feedback and improvement.</p>

**Additional Resources**

[Washington Post Article on Peer-Intervention Training](#)  
[New Orleans Police Department Ethical Policing is Courageous Program](#)