



Duty to Intervene

Course Outline

Blue to Gold Law Enforcement Training
1818 W. Francis Ave #101, Spokane Washington 99205
888-579-7796 | bluetogold.com | info@bluetogold.com

Copyright 2023. All rights reserved.

GOAL

learners

In-service training for certified law enforcement, including patrol, investigations, specialty units, and administration

length of instruction

4 Hours

If we are to police others, we must also police ourselves. The law requires real-time intervention whenever a fellow officer, from any agency, goes down the wrong path and violates the law. Failing to intervene may result in termination, criminal charges, and civil rights lawsuits. Every law enforcement professional must attend this course – your job and freedom depend on it.

Course Introduction – 10 minutes

- 1) Instructor Introduction.
- 2) Explain the course objectives:
 - a) To teach you how to get involved, when to intervene, and how to intervene. When you can intervene properly the result will be decreased liability, lawsuits and improved officer wellness. Remember, you start off blameless. We want to prevent you from becoming blameworthy. This course will help accomplish that.
 - b) Show you how to prevent unnecessary lawsuits when possible. Preventing unnecessary force will lead to less civil actions and fewer disciplinary issues. This will also help to increase community trust.
- 3) Class Expectations:
 - a) I will teach you when you should intervene and various techniques to utilize to intervene. I will use PowerPoint, cite relevant examples and answer questions.
 - b) I want you to enjoy the class and have a meaningful learning experience. I want you to leave here feeling more confident about how to intervene and perform your job.
 - c) Ask questions if you need more clarification on any subject. Provide different scenarios to explore more ways to use the techniques learned in this class.
- 4) Explain that certificates will be emailed after the class and each student will be registered in the Blue to Gold University.
- 5) Review disclaimers with the class:
 - a) Laws and agency standard operating procedures may be more restrictive than what is presented in this class. It is advisable to check and see what policies are in place in your city, county or state.
 - b) If you are not sure about something, always ask a superior officer. Keep pushing it up the chain until you are satisfied with the answer. Never assume!
 - c) This course is legal EDUCATION not legal advice.

Module One: Preface – 20 Minutes

- 1) Importance of the DTI Course
- 2) Average Lawsuits and Plaintiff Payment
 - a) Austin PD, TX
 - b) Chicago PD, IL
 - c) LAPD
 - d) NYPD
- 3) Describe how officers are constantly taught to “go home at night” and this may breed a culture of unconstitutional actions. It’s not only important to go home at night, but cops need to go home to their own bed, not a prison.
- 4) Requirements to Make this Training Effective
 - a) Support of Command
 - b) Department-Specific Guidelines for Intervention Practices
 - c) Belief that Intervention is Good
- 5) Intervention as a Tool

Module Two: §1983 Civil Suits – 50 Minutes

- 1) What a §1983 Civil Suit Is
- 2) §1983 Civil Suit - the most common suit an officer will face
- 3) Explain that the §1983 is NOT THE violation
- 4) Remind the students that we do not discuss state law claims in this training.
- 5) The Color of Law
 - a) Legal Definition
 - b) Layman’s Terms
 - c) Summary
- 6) Examples of Color of Law
- 7) Good Faith and Objective Reasonableness
- 8) Qualified Immunity
- 9) Type of Damages Incurred under the §1983 Civil Suit
- 10) Sec. 242 Indictments

11) §242 in Action – The Rodney King Case

Module Three: Interventions – 150 Minutes

- 1) Three Levels of Intervention
 - a) Agency can intervene
 - b) Your Supervisor can intervene
 - c) You can intercede

- 2) Agency Liability
 - a) Legal Definition of Agency Liability

 - b) Agencies can be held liable in conjunction with their officers.

 - c) Three Sources an Agency Can Incur Liability For:
 - i. Unconstitutional policy
 - ii. Customs and practice
 - iii. Failure to train

- 3) Unconstitutional Policy

- 4) Customs and Practices

- 5) Failure to Train
 - a) Deliberate Indifference

 - b) Two Types of Deliberate Indifference
 - i. Needs are patently obvious.
 - ii. Agency is put on notice training is needed

 - c) Patently Obvious
 - i. Moral certainty situation will arise.
 - ii. Situation presents difficult choices.
 - iii. Wrong choice will likely cause deprivation of rights.

- 6) Supervisor Liability

- 7) Deliberate Indifference

- 8) Intervention and YOU

- 9) Intervention Benefits
 - a) Define what intervention is:
 - i. Officer Wellness
 - ii. Officer Safety and Tactics

- iii. Preventing Misconduct and Complaints
- iv. Professionals Require Best Practices

- b) Define what intervention is NOT:
 - i. Internal Affairs Program
 - ii. Discipline Program
 - iii. Mediation Program
 - iv. "Tell on Your Partner" Program

10) The Law

11) Opportunity to Intervene

12) Did Not Intervene

13) Barriers to Intervention

- a) Barriers That Inhibit Peer Intervention
 - i. Cover-ups
 - ii. Ignoring Problems
 - iii. Misguided Loyalty

b) George Floyd

- c) Factors that Can Inhibit and/or Bar Officers from Intervening
 - i. Retaliation
 - ii. Isolation
 - iii. Being wrong
 - iv. Lack of skill
 - v. Rank
 - vi. Diffusion
 - vii. Group think

d) Fear of Retaliation

e) Isolation

f) What if I intervene and I'm wrong?

g) Lack of Skill

h) Rank as a MAJOR Factor that Prohibits Intervention

i) Diffusion

j) Group Think

14) How to Intervene

- a) Agency Intervention Policy
- b) Agreement
- c) Ask Questions
- d) Slow It Down
- e) Code Words
- f) Physical Intervention

Module Four: Takeaways – 10 Minutes

- 1) Failure to intervene is not an option
- 2) Ask questions, slow it down, code words or physically intervene
- 3) Embrace intervention culture. It's the ultimate "I got your back."

*****End of Class*****