

BANGOR POLICE DEPARTMENT
POLICY
General Order

DUTY TO INTERVENE/RETALIATORY CONDUCT

This policy is effective August 10, 2020 and amends or supersedes all previous policies on this topic.

I. PURPOSE

The purpose of this policy is to complement departmental integrity and to avoid the hostile treatment of fellow employees by requiring the mandatory intervention in and reporting of substantial deviation of departmental policy, procedure, or rules and by prohibiting retaliatory conduct or action against employees who intervene or make such reports.

II. POLICY

The Bangor Police Department prohibits retaliatory conduct against or interference with an employee who reports, assists, or seeks to report breaches of department policy, procedures, or rules or engages in activities protected by whistleblower statutes.

The Bangor Police Department also requires all of its employees to report serious acts of misconduct. All members of this Department have a duty to intervene to prevent or stop any other member from conducting any serious violation of law or policy.

III. DEFINITIONS

Affirmative Duty: The personal responsibility and obligation of an employee to report wrongdoing. This is an affirmative duty, as opposed to only providing such information upon request.

False Report: A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.

Good Faith Report: A report that provides allegations concerning an employee who is reasonably believed to have committed a serious violation of departmental policy, procedures, rules, or laws.

Intervene: To come between, whether verbally or physical, to prevent or alter or attempt to prevent or alter a result or course of events.

Retaliatory Conduct: Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that: (a) could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; (b) are designed to ridicule or embarrass; or (c) could seriously impair the efficiency, safety, or effectiveness of that employee, the Bangor Police Department, or both. Such conduct may take many forms, including but not limited to bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.

Serious Acts of Misconduct: A deliberate act, substantial deviation from policy or a failure to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action includes suspension, demotion, reassignment, or termination.

IV. RULES AND PROCEDURES

A. Duty to Report Misconduct

1. All employees of this department have an affirmative duty to report serious acts of misconduct. Failure to report shall result in corrective or disciplinary action.
2. Serious acts of misconduct should be immediately reported to the reporting employee's immediate supervisor. If the supervisor is suspected of involvement in the misconduct, the report should be made to the next employee in the chain of command.
3. In situations involving highly egregious offenses or illegality that may have serious or broader implications, a complaint may be made directly to the Chief of Police or Deputy Chief of Police. Examples of such highly egregious offenses or illegality include, but are not limited to, broad-based dishonesty, criminal conduct, conspiracy among employees, excessive use of force, or failure to act in the performance of duty.
4. Supervisors are mandated reporters. Depending on rank – the next level of supervisory authority will be notified. The information will be directed to the Deputy Chief of Police for review.
5. All employees have an affirmative duty to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority.

B. Duty to Intervene

1. All members must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates law or policy (e.g., excessive use of force, theft, fraud, sexual misconduct, harassment, falsifying documents, inappropriate behavior, substantial deviation of known standards). Intervention may be verbal and/or physical. Failure to intervene as soon as practicable may subject a member to disciplinary action.

C. Retaliatory Conduct

1. Retaliatory actions against employees who make good faith complaints or reports of misconduct against another employee pursuant to this policy are forbidden. Such retaliatory acts will form the basis for charges of misconduct, resulting in potential disciplinary action. Any complaint of retaliatory conduct shall be submitted to the reporting employee's supervisor. If the supervisor is the subject of, or is involved in the complaint, an employee shall submit the complaint to the next employee in the chain of command.

D. Prevention of Misconduct

1. Prevention of employee misconduct and promotion of a principled and effective work environment require that all employees abide by this policy.
2. All supervisors are responsible for ensuring that all employees under their supervision fully understand the importance of adherence to departmental policies, procedures, and rules, and that they also understand the commitment to ensuring employee compliance. Supervisors shall provide support to those who are directly affected by retaliatory conduct.
3. The Bangor Police Department training unit shall ensure that employees fully understand this policy.

Approved: July 27, 2020
Effective: August 10, 2020

Mark J. Hathaway
Chief of Police