

# TACOPS

## ROLL CALL BRIEFING SHEET

LOS ANGELES POLICE DEPARTMENT

TACTICS

## REQUIREMENT TO INTERCEDE

In September of 2021, Governor Gavin Newsom approved California State Assembly Bill No. 26 (AB26), amending Section 7286 of the California Government Code. This amendment established requirements for all state law enforcement agencies pertaining to Use of Force policies. In this Tac Ops Newsletter, we are going to focus on the AB26 requirement for officers to intercede and to immediately report if they observe another officer use force that is clearly beyond that which is necessary.

On November 21, 2021, the Department Manual section addressing the Use of Force Policy (I/556.1) was updated to reflect the changes required by AB26. The updated policy establishes the Department's expectations for officers when they are confronted with a potential excessive force situation.

The following is a breakdown of the key aspects of the updated Use of Force policy

**1. Requirement to Intercede When Excessive Force is Observed.** An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

**In other words,...** Department policy and State law require you to intercede, meaning take action to stop, (when safe and reasonable to do so), any use of force that is clearly beyond that which is necessary. Your decision making and actions taken will be examined and assessed by the standard of an objectively reasonable officer, while taking into consideration the information known to you at the time.

**What does this mean for you?** If you observe excessive force being used by another officer, you must take action to stop it immediately. Merely not being involved in the use of force is not an acceptable option. Just standing by won't cut it.

**2. Requirement to Report Potential Excessive Force.** An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer [as delineated in California Penal Code Section 835(a)], shall immediately report such force to a superior officer.

**In other words,...** It's not enough to stop the action, you are also required by Department policy and State Law to report the excessive force to a superior officer immediately.

**What does this mean for you?** Regardless of whether you were the only officer or there were several officers present witnessing the excessive force, you must still report the excessive force immediately. There is no exception for failing to report because you assumed someone else was going to do it.

**3. Retaliation for Reporting Potential Excessive Force or Violation of Any Law or Regulation.** Retaliation for reporting potential excessive force or violation of any law or regulation by any employee of this Department is strictly prohibited, shall be reported immediately, and is considered to be serious misconduct.

**In other words...** Under no circumstances can retaliatory behavior be levied against another Department employee who has reported a violation of this or any other policy. Refer to the manual section for further information on what constitutes retaliation.

**What does this mean for you?** Even in circumstances where you do not agree with the reporting employee or you think the reporting employee is wrong, reporting a perceived violation is a protected behavior. If you engage in any retaliatory behavior against a reporting employee, you will be engaging in serious misconduct and you can be subjected to disciplinary action.

**Some additional important things to remember:**

- When an officer takes action to intercede it is expected that not only will you attempt to stop the excessive force, but you should also attempt to record the behavior using body worn video. Officers should also endeavor to document their attempts to intercede, de-escalate, and confront the offending officer.

- During Non-Categorical Use of Force (NCUOF) and Categorical Use of Force (CUOF) Investigations, the investigating officer, as well as the adjudicating body, either your chain of command or the Use of Force Review Board (UOFRB), will be required to evaluate and comment on any circumstances where the requirement to intercede was a factor. These bodies will be tasked with assessing any officers' attempts or failures to intercede when Department policy and State Law would require action.

- Department policy and State Law require that any officer who has a sustained excessive force complaint shall be prohibited from training other officers for a period of at least three years from the date that the complaint was sustained.

- Any officer who has received all required training on the requirement to intercede and fails to do so when excessive force is observed shall be subject to discipline up to and including in the same manner as the officer who committed the excessive force.

- When investigating and evaluating NCUOF Field Supervisors as well as Area Commands are expected to evaluate and comment on the requirement to intercede if it appears relevant to the NCUOF investigation. Field Supervisors and Area Commands must be prepared to identify incidents where officers should have interceded and failed to do so, just as they should be prepared to highlight incidents where officers took appropriate action to stop any potentially unlawful behavior.

In conclusion California State law and the LAPD Department Policy have clearly established the requirement for officers to take action to stop when they observe any use of force that is clearly beyond that which is necessary. Not only should officers make an attempt to stop the behavior, but they must also attempt to record the offending behavior and their efforts to intercede and de-escalate. Finally, officers must immediately report any such behavior to a supervisor.

It takes great courage to intercede and act against another officer; but you do things every day that take great courage. By taking action you are potentially preventing a partner from further exposing themselves to discipline and potential criminal prosecution, you are protecting yourself from potentially the same or similar consequences, you are protecting the reputation of the Los Angeles Police Department, you are preserving the balance of trust we have worked so hard to establish with the community, and you are protecting the rights of the person subjected to the use of force. **YOU HAVE EVERYTHING TO LOSE** by not taking action, and **EVERYTHING TO GAIN** by stepping in.



References:  
1. Use of Force Tactics Directive No. 1.3 dated August 2022  
2. Department Manual Volume I, Section 556.10

**Take Care of Each Other and Stay Safe Out There!**