

December 8, 2020

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Active Bystandership Can Be Taught and Learned

By Jonathan Aronie, J.D., and Edward Yeung, M.A.S.



Across the country, decision makers at all levels—departmental, local, state, and federal—are taking steps to include “duty to intervene” language in their policies, ordinances, and legislation. However, the law has imposed such a duty upon law enforcement officers for years. According to the U.S. Court of Appeals decades ago, “it is clear that one who is given the badge of authority of a police officer may not ignore the duty imposed by his office and fail to stop other officers who summarily punish a third person in his presence or otherwise within his knowledge.”¹ As it turns out, it is not the duty that is lacking but meaningful training on how to perform that duty consistently, safely, and effectively.

While it is easy to look at the tragic videos that have gone viral over the past decade and say, “You shouldn’t have to teach an officer to step in and stop *that!*” intervening in another’s conduct is much harder than it looks in hindsight. The inhibitors to intervention, especially in a hierarchical organization like policing, are strong and pervasive. Fortunately, meaningful training and deliberate practice can help overcome those inhibitors.²

In 2015, the New Orleans, Louisiana, Police Department (NOPD) developed a departmentwide program to do just that. The program, called EPIC (Ethical Policing Is Courageous), is founded upon decades of research (and an early peer intervention program) by renowned psychologist Dr. Ervin Staub.³ Dr. Staub's and others' work have demonstrated without question that "active bystandership"—that is, the art and science of intervening in another's actions—can be taught and learned.

Within 2 weeks of the George Floyd killing, more than 100 police agencies across the country had reached out to the developers of the NOPD EPIC Program for help establishing active bystandership programs of their own. It quickly became apparent that NOPD could not meet this overwhelming demand. Enter the Georgetown University Law Center (GULC) and global law firm Sheppard Mullin. Working closely with NOPD, the experts who helped create the EPIC Program, and a host of other national thought leaders, GULC and Sheppard Mullin established the Active Bystandership for Law Enforcement (ABLE) Project.⁴

New Project

The ABLE Project, part of GULC's Innovative Policing Program, serves as a national hub for bystandership scholarship, resources, and training. Through a series of train-the-trainer events, the ABLE Project will offer bystandership training to law enforcement agencies across the United States. Like the EPIC Program upon which it is based, ABLE training is grounded in evidence and involves a deliberate mix of presentations, thought-provoking discussions, interactive small-group activities, and actual practice.



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ABLE training also incorporates social science, much of it taken from Dr. Staub's bystandership experiments in the lab and the field. For example, one unit of the 8-hour training asks officers how they think the *inaction* of one bystander will impact the willingness of a second bystander to *take action* in a given event.

The experiment used in this unit has nothing to do with policing. It involves an individual (the subject) sitting in a waiting room when he or she hears a loud crash and sounds of distress from the adjoining room, as if someone has fallen from a height and is hurt. This experiment explores whether the subject is more or less likely to enter the adjoining room based on the actions of a stranger (a second person in the waiting room who is a confederate of the experimenter).

In one version of the experiment, the stranger does not react to the noise; in the other, the stranger reacts in a meaningful, proactive way. After hearing about the experiment, the officers guess whether the actions of the stranger (i.e., the bystander) will have an impact on the subject. The discussion then feeds into an exploration of the power of bystander police officers on other bystander police officers. It is an engaging and powerful way to see the impact of social science on real-life events.⁵

Through such interactive projects, officers come face to face with the sociological and psychological inhibitors—like apprehension about making a mistake, fear of being ostracized, obedience to authority, pluralistic ignorance, and others—that keep people from being active bystanders as often as they would like. The officers then learn practical strategies and tactics to overcome those inhibitors; they practice them during facilitated scenario-based role play.

Active Bystandership and Policing

Active bystandership training to prevent harm to others is not new. Other professions have used it as a powerful tool for years. The medical profession uses it to teach and empower nurses to intervene to prevent harm caused by inadvertent doctor errors in the operating room.⁶ The military and the airline industry use it to empower aircraft crews to intervene to prevent pilot error in the cockpit. In the university setting, active bystandership training has helped reduce sexual assault on campus.⁷ Notwithstanding these successes, active bystandership never has been systematically taught to law enforcement officers.

To be clear, many academies emphasize the moral and legal obligations to intervene to prevent harm by another officer, but few teach *how* to intervene effectively. And, fewer still give their officers the opportunity to practice an intervention. This lack of meaningful teaching and deliberate practice has a significant impact on officers' willingness to use the tools of intervention in the field. It should not surprise anyone to learn that police officers, like other professionals, more likely will use skills they have become familiar with and practiced.

Law enforcement agencies know the importance of practice in ensuring that skills and tactics become “muscle memory.” Every officer in the United States has practiced being in a gun fight, although, fortunately, such a scenario is unlikely. This is done so if such a scenario were to unfold, the muscle memory would kick in and the officer hopefully would react smartly and swiftly.

However, few officers ever have had the opportunity to practice active bystandership—for instance, telling peers they are making a mistake; saying to a colleague, “I’ll take it from here”; or demanding a senior officer to remove his knee from someone’s neck. But, such training is crucial.

Evidence of Success

While it is hard to quantify the success of an active bystandership program—because when it works, nothing happens—there is no shortage of evidence vouching for its effectiveness. Several examples serve to illustrate.

- Decades of research by Dr. Staub and other academics demonstrate that active bystandership can be taught and learned. The research has revealed the universal inhibitors to active bystandership as well as the practical strategies and tactics for overcoming them.
- Many lab and field studies by Dr. Staub and others have highlighted the power bystanders have over the actions of others. Without question, passivity among bystanders encourages passivity in others, whereas the positive action of one often prompts positive action by others.
- The success of active bystandership is demonstrated in other areas, such as hospitals, aircraft, and college campuses.
- Survey data documents the not-surprising fact that police officers believe themselves more likely to intervene to prevent harm after participating in active bystandership training.⁸
- It has worked on the ground in New Orleans.⁹

Regarding the last bullet, NOPD implemented its EPIC program in 2015 and had most officers trained in 2016. Over the last several years, NOPD has experienced a *reduction* in police misconduct, uses of excessive force, and citizen complaints. During the same period, it has seen an *increase* in citizen satisfaction with and respect for the police and in officer job satisfaction.¹⁰ While NOPD has undertaken other innovative initiatives that likely have contributed to these encouraging statistics, the EPIC program deserves at least some of the credit.

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But, as probably the most powerful evidence, those who have been through active bystandership training passionately vouch for its effectiveness. For instance, Baltimore, Maryland, police commissioner Michael Harrison, just one of many who have become vocal proponents, describes active bystandership training as transforming police loyalty from “covering for one another” to “showing loyalty on the front end” by preventing the misconduct or mistake in the first place. According to Commissioner Harrison, active bystandership training “prevents an injury, it saves a broken relationship between police and community, and it saves an officer’s career.”¹¹ Other police leaders speak just as eloquently on the subject.¹²

A combination of the evidence upon which active bystandership is based coupled with the strong support the training has garnered from both law enforcement leaders *and* civil rights leaders (the ABLE Project Board of Advisors includes both) prompted the FBI National Academy (NA) to reach out to GULC to explore ways of working together.¹³ Such a partnership builds upon the NA’s long interest in active bystandership as a means of preventing harm to civilians and police officers.

The developers of the NOPD EPIC Program long have been guest instructors at the NA, and NA instructors have presented at NOPD’s annual EPIC Leadership Conference. But, the national demand for quality active bystandership training prompted the NA to take even broader strides in this area. Accordingly, the NA now is working toward incorporating ABLE training into the NA’s core curriculum and will partner with the ABLE Project to offer ABLE certification training as an elective to all NA participants. With nearly 1,000 senior police executives from across the United States and the world attending the NA each year, this partnership will help ensure the concepts and pillars of active bystandership spread quickly through the law enforcement community.

Training for Officers

The GULC-Sheppard Mullin ABLE Project is offering a series of train-the-trainer events, which started in late September 2020. While the training (along with the curriculum, materials, and facilitators’ manuals) is free, participating agencies must commit to 10 ABLE standards. As social activist Ted Quant, a supporter of the ABLE Project, put it during a recent virtual ABLE Project open house, “We don’t want anyone pimping the program for publicity.”¹⁴ In short, police agencies not sincerely interested in creating a culture in which active bystandership can thrive need not apply.

Among the ABLE Project standards that serve as the “price of entry” for the ABLE train-the-trainer event are 1) a letter from the agency head, 2) a letter from the mayor/town manager, and 3) two letters from community groups vouching for the department’s sincerity in the program. Other standards include a strong no-retaliation policy, a respectable officer wellness program, and a commitment to “pay it forward”—that is, to go back and train one’s own department *and* take reasonable efforts to invite a neighboring jurisdiction to the training.

The ABLE standards are a small price to pay for entry into an evidence-based program that teaches a life- and career-saving skill. The list of agencies already in line to receive the training is long and prestigious. Examples include the—

- Baltimore, Maryland, Police Department;
- Philadelphia, Pennsylvania, Police Department;
- Washington State Criminal Justice Training Commission;
- New Hampshire Police Standards and Training Council;
- Northern Virginia Criminal Justice Training Academy;
- Fayetteville, North Carolina, Police Department; and
- Wilmington, North Carolina, Police Department.

The list grows every day, probably because active bystandership training offers so many benefits to agencies, their officers, and their communities.

Conclusion

Police officers are active bystanders in many ways. They put themselves in danger to help others every day. They run toward the gun shots, not away. They show courage when so many others would show fear. Yet, when it comes to intervening in another officer's actions—especially those of a senior officer—to avert mistakes, prevent misconduct, and even to promote officer health and wellness, police officers are no better than anyone else.

While we all are active bystanders from time to time, we are passive bystanders far more often than we think. But, decades of research, ingenuous field experiments, and on-the-ground experience all tell us that active bystandership can be taught. The skills of active bystandership can be learned, practiced, and absorbed just like any other skill. Those skills then can be used to do all manner of good, including preventing harm to civilians and officers and fighting against racial injustice, on the street as well as within a law enforcement agency.

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Notwithstanding the FBI's statutory mission to train state and local law enforcement at the FBI National Academy (NA) and its partnership to incorporate ABE training into the NA core curriculum, this article is informational only on additional training opportunities and not intended to endorse or promote any nonfederal entity's products or services.

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Endnotes

¹ *Byrd v. Brishke*, 466 F.2d 6 (7th Cir. 1972).

² For additional information, see Ervin Staub, *The Roots of Goodness and Resistance to Evil: Inclusive Caring, Moral Courage, Altruism Born of Suffering, Active Bystandership, and Heroism* (New York, NY: Oxford University Press, 2015); Ervin Staub, “Preventing Violence and Promoting Active Bystandership and Peace: My Life in Research and Applications,” *Peace and Conflict: Journal of Peace Psychology* 24, no. 1 (2018): 95–111, accessed November 10, 2020, <https://doi.org/10.1037/pac0000301>; and Ervin Staub, “Promoting Healing and Reconciliation in Rwanda, and Generating Active Bystandership by Police to Stop Unnecessary Harm by Fellow Officers,” *Perspectives on Psychological Science* 14, no. 1 (2019), accessed November 10, 2020, <https://doi.org/10.1177/1745691618809384>.

³ See Caroline Modarressy-Tehrani, “The Holocaust Survivor Hoping to Change American Police Culture,” *NBC News*, July 19, 2020, accessed October 28, 2020, <https://www.nbcnews.com/news/us-news/holocaust-survivor-hoping-change-american-police-culture-n1234166>.

⁴ See Sheppard Mullin, “Joint Project Between Georgetown University Law Center’s Innovative Policing Program and Sheppard Mullin Aims to Help Prevent Police Misconduct,” press release, June 15, 2020, accessed October 28, 2020, <https://www.sheppardmullin.com/pressrelease-663>; and “Active Bystandership for Law Enforcement (ABLE) Project,” Georgetown Law, accessed October 28, 2020, <https://www.law.georgetown.edu/IPP/ABLE>.

⁵ For additional information, see Ervin Staub, “Our Power as Active Bystanders,” *Psychology Today*, January 7, 2012, accessed October 29, 2020, <https://www.psychologytoday.com/us/blog/in-the-garden-good-and-evil/201201/our-power-active-bystanders>.

⁶ See Jonathan Aronie and Christy E. Lopez, “Keeping Each Other Safe: An Assessment of the Use of Peer Intervention Programs to Prevent Police Officer Mistakes and Misconduct, Using New Orleans’ EPIC Program as a Potential National Model,” *Police Quarterly* 20, no. 3 (June 2017), accessed October 29, 2020, <https://epic.nola.gov/epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf>.

⁷ See Keith Hautala, “‘Green Dot’ Effective at Reducing Sexual Violence,” *University of Kentucky News*, September 10,

2014, accessed October 29, 2020, <https://uknow.uky.edu/research/green-dot-effective-reducing-sexual-violence>.

⁸ See Office of the Consent Decree Monitor, New Orleans, LA, and Sheppard Mullin Richter & Hampton, *Special Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree Reporting the Results of the Third Biennial Community Survey*, Consent Decree Monitor Document no. 581-1, November 12, 2019, accessed October 29, 2020, <http://nopdconsent.azurewebsites.net/Media/Default/Documents/Reports/581-1%203rd%20Biennial%20Special%20Report.pdf>.

⁹ See multiple articles at “Active Bystandership in the News,” Georgetown University Law Center, accessed October 29, 2020, <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/active-bystandership-in-the-news/>.

¹⁰ See, among other reports, Loyola University New Orleans School of Law, *Path to Reform: Report to Judge Morgan On NOPD Progress Under the Consent Decree*, Consent Decree Monitor Document no. 575, January 2019, accessed October 29, 2020, <http://nopdconsent.azurewebsites.net/Media/Default/Documents/Docket%20Items/575%20Monitor's%20Report%20On%20Progress%20Under%20The%20Consent%20Decree.pdf>.

¹¹ “Duty to Intervene Policies Aim to Prevent Officers from Using Excessive Force,” Robin Young, *Here & Now*, aired July 20, 2020, on WBUR, accessed October 29, 2020, <https://www.wbur.org/hereandnow/2020/07/20/duty-to-intervene-police-force>.

¹² See Larry Platt, “An Argument for Funding the Police,” *Philadelphia Citizen*, July 31, 2020, accessed October 29, 2020, <https://thephiladelphiacitizen.org/danielle-outlaw-policing-plan/>.

¹³ See “ABLE Board of Advisors,” Georgetown University Law Center, accessed October 29, 2020, <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/able-board-of-advisors/>.

¹⁴ Ted Quant, comments made during the 3rd Annual EPIC Police Peer Intervention Executive Leadership Conference in New Orleans, LA, in August 2020.