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An EPIC Idea by NOPD: A New Model for Ethical Policing

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The New Orleans, Louisiana, Police Department (NOPD) has had its share of problems. Its history includes poor training; weak supervision; excessive force; racial profiling; biased policing; inadequate investigations; and, of course, the imposition of a federal consent decree in 2012. However, the department has worked hard to reinvent itself, and, while it still has a way to go to shed the vestiges of its past, the NOPD has shown itself willing to take bold strides down paths many other departments have feared to tread.

In June 2010, the NOPD engaged a civilian to run its internal affairs department. In November 2010, the department signed a formal cooperation agreement with the local independent police monitor, a position created by the voters of New Orleans to provide civilian oversight of the department. In 2012, the department rolled out one of the United States' first, agency-wide body-worn camera programs. Throughout 2014 and 2015, the department developed and implemented a number of revised policies reflecting best practices in the areas of vehicle pursuits, uses of force, misconduct investigations, and discipline. And, in February 2016, in a move that flew in the face of the trend among police agencies (and state legislatures), NOPD took a strong stand in favor of transparency by implementing a formal policy promoting the prompt, voluntary public release of critical incident videos. Each of these actions shows courage, commitment, and confidence.

Earlier in 2016, the NOPD took another big step along the path of innovation with the creation of its EPIC peer intervention program. EPIC (for "Ethical Policing Is Courageous") is a program created

by NOPD's own officers with the help of experts that builds upon years of social science research into "active bystandership."¹ The science upon which EPIC rests finds its origins in studies of the Holocaust and other human rights atrocities where otherwise moral and upstanding citizens stood back and said nothing, when most, in hindsight at least, would say they should have spoken out. Simply put, an "active bystander," as distinguished from a "passive bystander," is one who intervenes to protect others rather than standing by and watching wrongdoing occur.

Ironically, while police officers clearly are not passive bystanders when it comes to helping civilians, police are often far more passive when it comes to keeping their peers out of trouble. This is not in reference to physical danger—officers are very quick to jump into a fight, run toward danger, and put themselves at great risk of physical harm to protect another officer. However, while police officers readily intervene to protect their peers from physical harm, they are less likely to intervene to prevent those same peers from making a mistake or engaging in misconduct that can cost them their careers. Although he was speaking about humans in general, not just officers, Mark Twain captured this sad irony well when he said, "It is curious that physical courage should be so common in the world and moral courage so rare."²

NOPD's EPIC program takes Twain's commentary head on. EPIC seeks to train and empower each of the department's more than 1,100 officers to effectively and safely intervene in other officers' conduct before a mistake is made or misconduct occurs. Through classroom training, scenario-based role play, and department-wide reinforcement, EPIC trains officers to notice when an intervention may be necessary, gives them the tools to take action effectively and safely, empowers them to act regardless of the rank of the person requiring the intervention, and protects them when they do intervene. (NOPD's recently adopted discipline policy identifies a successful intervention as a formal mitigating factor that must be considered in any disciplinary proceeding.)

But EPIC also is as much about accepting intervention as it is about intervening. EPIC teaches officers of all ranks that a good-faith intervention is not something to spurn, but something to embrace as a sign of care, respect, and teamwork. NOPD officers are taught that the EPIC pin they will receive after their training is a statement to their colleagues (again, regardless of rank) that the wearer gives permission to be the subject of an intervention when necessary to prevent a serious mistake and misconduct. The concept of "I give you authority to help protect me and my family" is a powerful one indeed.

Just as police academies for years have taught officers to use their batons, firearms, vests, and handcuffs as survival tools, NOPD's EPIC program adds active bystandership and peer intervention to each officer's survival toolbox. As police officers are significantly more likely to lose their career as a result of misconduct than they are to get shot in the line of duty, these new tools are critical and timely.³

In the words of NOPD Deputy Chief Paul Noel, one of the most ardent promoters of the EPIC program:

If we can get even a fraction of our officers to become courageous enough to say to a peer, or even to a supervisor, “hey, don’t do what you are about to do; you’ll hurt someone, you’ll lose your job, and your family will suffer,” then we will save lives, families, and careers.⁴

The question of why good people do not intervene to help others as often as they should has perplexed social scientists for years. Those interested in the science behind this reality should read about Dr. Ervin Staub’s experiments in Cambridge, Massachusetts, involving the actions—or, more accurately, the inactions—of passers-by who come upon a stranger in distress on a public street.⁵ With a little reflection, it is likely most people can recall a time when they wished they had said something or done something, but didn’t. In the context of a law enforcement agency, however, passivity has significant consequences to the public, the officers, and their families. This leads to the question, why do officers who routinely and unthinkingly intervene to protect civilians have such a hard time saying to their peers “don’t do what you are about to do”?

The answer lies in what Dr. Staub, a leading researcher in this area and a contributor to the NOPD EPIC program, calls “inhibitors.”⁶ While a full discussion of the inhibitors within police culture is beyond the scope of this article, suffice it to say they include concerns like the fear of disapproval from peers, the fear of reprisals (e.g., someone not having their back when needed), and the fear of making a mistake or misinterpreting a situation (something especially common among newer officers). These and other social inhibitors are very real, very powerful, and very ingrained in police culture. Rather than pretending these obstacles to active bystandership do not exist, as many ethics-based police programs do, the EPIC training acknowledges their existence and offers officers tactics and strategies to overcome them.

The premise of training officers to prevent serious mistakes or misconduct before they occur is an elegant solution to a long-existing problem. Dr. Joel Dvoskin, one of the contributors to NOPD’s program, candidly describes the dilemma facing police officers this way:

If I step in and intervene on another cop, I’ll be labeled a non-team player, and then I can’t be sure he’ll have my back when I need him. But if I don’t step in, then others may be hurt, and his job and mine are on the line.⁷

EPIC is an answer to this dilemma. In typically colloquial fashion, Dr. Dvoskin tells officers “EPIC helps you not have to choose between these two [bad] options.” And, with the growing trend among courts to hold non-intervenorers legally liable for their inactions, the consequence of making the wrong choice in this dilemma has become all the more personal for officers and their families.⁸

The NOPD EPIC program is still in its infancy, but it shows great promise. The department is rolling out training (lecture, discussion, and role play) to all leadership personnel, supervisors, and officers. The principles of peer intervention are being taught as a stand-alone academy course—for new recruits as well as veteran officers—and are being incorporated into all other academy courses. Consequently, in addition to learning about active bystandership in the EPIC training module, officers also explore those principles in their use-of-force course, their handcuffing course,

their driving course, and so forth. In addition, the department has designed the training component of the EPIC program on a “continuous improvement” basis. The ideas, tactics, and strategies developed by the officers during their role-play scenarios are incorporated into the EPIC training and shared with each subsequent class of officers. In this way, NOPD’s officers truly are the developers of the course’s content.

EPIC is not limited to classroom training and role play. The NOPD is taking steps to reinforce the EPIC principles throughout the department. Active bystandership and peer intervention will be emphasized in roll call training, periodic electronic training bulletins, and video reminders from leadership. And the EPIC pin, previously mentioned, was designed to serve as a reminder to all that intervention is not only authorized, it is expected. In many ways the EPIC pin is the physical embodiment of the core EPIC principle that an officer should be as courageous to prevent serious mistakes or misconduct as he or she is to protect a peer from physical harm.

NOPD’s EPIC efforts go further than internal promotion, though. The department is in the process of partnering with local schools to bring the peer intervention message to the youth of New Orleans. Considering the success college campuses across the United States have had using peer intervention tactics to reduce sexual assaults on campus, NOPD’s desire to spread the active bystandership gospel beyond the police department is laudable.⁹ Indeed, NOPD is also in the process of working with the University of New Orleans to develop and stand up an external website to promote active bystandership and peer intervention beyond the borders of New Orleans. The site will give officers (and others) a forum to share their intervention tactics and their stories of successful interventions. The department expects the site to go live this winter.

NOPD believes its efforts to promote EPIC not only will help protect civilians, but also will help save officers’ lives. NOPD Police Superintendent Michael Harrison described it this way:

The stress on police officers is formidable. This stress all too often leads to traffic accidents, burnout, alcoholism, and even suicide. EPIC helps us fight against this tragic reality. Just as EPIC teaches officers to intervene to prevent mistakes and misconduct, the same peer intervention strategies can be used to help an officer step in and save a colleague who is on a downward emotional spiral.¹⁰

The superintendent’s hopes are not unrealistic. Other industries have successfully used peer intervention programs for years to cut down on alcohol abuse, drug abuse, and burnout.¹¹

With so much news coverage focusing on the negative aspects of policing, EPIC is something the NOPD should be quite proud of. It also presents a model that other departments might seek to emulate. As the National Association for Civilian Oversight of Law Enforcement noted in its testimony to the President’s Task Force on 21st Century Policing, peer intervention training teaches officers, “in a practical and positive way, the powerful influence that police officers have on the conduct and behavior of their fellow officers.”¹²

The NOPD has developed a workable and scalable model of teaching active bystandership within a police organization that can be adapted to help other departments. It is easily taught and easily learned. And there are numerous positive outcomes—it helps cities reduce their legal exposure from misconduct; it helps departments keep their customers (civilians) safe; it helps officers keep their jobs (and sometimes their lives); it helps families keep their earners employed; and it protects civilians.

NOPD's EPIC program is not a panacea for all the problems facing police departments today—or even for the specific problems still facing NOPD today. But NOPD's new model of ethical policing helps blaze a trail that other departments soon may follow.♦

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Notes:

¹Among the national experts supporting the development of NOPD's EPIC Program are Dr. Ervin Staub, Dr. Joel Dvoskin, and Sgt. Michael Quinn (retired).

²Bernard Devoto, ed., *Mark Twain in Eruption: Hitherto Unpublished Pages About Men and Events* (New York: Harper & Brothers, 1940), 69.

³According to the National Law Enforcement Memorial Fund's Law Enforcement Officer Fatalities data (www.nleomf.org/facts/officer-fatalities-data), 348 officers were shot in the U.S. from 2006 through 2011. In contrast, according to a study funded by the U.S. Department of Justice, National Institute of Justice, more than 6,700 police officers were arrested between 2005 and 2011. See Philip M. Stinson, Sr., et al., *Police Integrity Lost: A Study of Law Enforcement Officers Arrested*, April 2016, <https://www.ncjrs.gov/pdffiles1/nij/grants/249850.pdf> (accessed September 29, 2016). It safely can be assumed the number of police officer terminations far exceeded the number of officer arrests during that same time period. See also, generally, Michael Quinn, *Walking With the Devil: The Police Code of Silence*, 3rd ed. (Quinn and Associates Publishing and Consulting, 2016).

⁴Paul Noel, interview with author, May 2016.

⁵Ervin Staub, *The Roots of Goodness and Resistance to Evil: Inclusive Caring, Moral Courage, Altruism Born of Suffering, Active Bystandership, and Heroism* (New York: Oxford University Press, 2015), 4–5.

⁶Ervin Staub, “How Can We Become Good Bystanders—in Response to Needs Around Us and in the World?” chapter 13, in *The Roots of Goodness and Resistance to Evil*, 151–156.

⁷Joel Dvoskin, interview with author, August 2015.

⁸See, for example, *Torres v. Allentown Police Department et al.*, Civil Action No. 13-3066 (E.D. Pa., 2014).

⁹Tyler Kingkade, “This Is Why Every College Is Talking About Bystander Intervention,” *The Huffington Post*, February 8, 2016, http://www.huffingtonpost.com/entry/colleges-bystander-intervention_us_56abc134e4b0010e80ea021d (accessed September 27, 2016).

¹⁰Michael Harrison, interview with author, May 2016.

¹¹See, e.g., “Alcohol Abuse Prevention Campaign Creates a Buzz,” *Military.com*, May 2007; Rudy M. Yandrick, “Getting By With A Little Help From Friends,” *HR Magazine*, October 1, 2000, <https://www.shrm.org/hr-today/news/hr-magazine/pages/1000yandrick.aspx> (accessed September 29, 2016); James W. Pichert et al., “An Intervention Model That Promotes Accountability: Peer Messengers and Patient/Family Complaints,” *Joint Commission Journal on Quality and Patient Safety* 39, no. 10 (October 2013), 436–446, http://www.jointcommissioninternational.org/assets/1/7/Journal_Oct_2013-pichert_436-446.pdf (accessed September 29, 2016); Samantha Zevanove, “Peer Intervention is Defense Against Sexual Violence,” *The Daily Californian*, September 16, 2016, <http://www.dailycal.org/2016/09/16/peer-intervention-defense-sexual-violence> (accessed September 29, 2016).

¹²*The President’s Task Force on 21st Century Policing: Independent Oversight and Police Peer Intervention Training Programs That Build Trust and Bring Positive Change* (2015) (appendix to written testimony of Barbara Attard, Past President of the National Association for Civilian Oversight of Law Enforcement), 3, <https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/115/attachments/original/1458136192/Barbara-Attard-Task-Force-on-21st-Century-Policing.pdf?1458136192> (accessed September 26, 2016).



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