

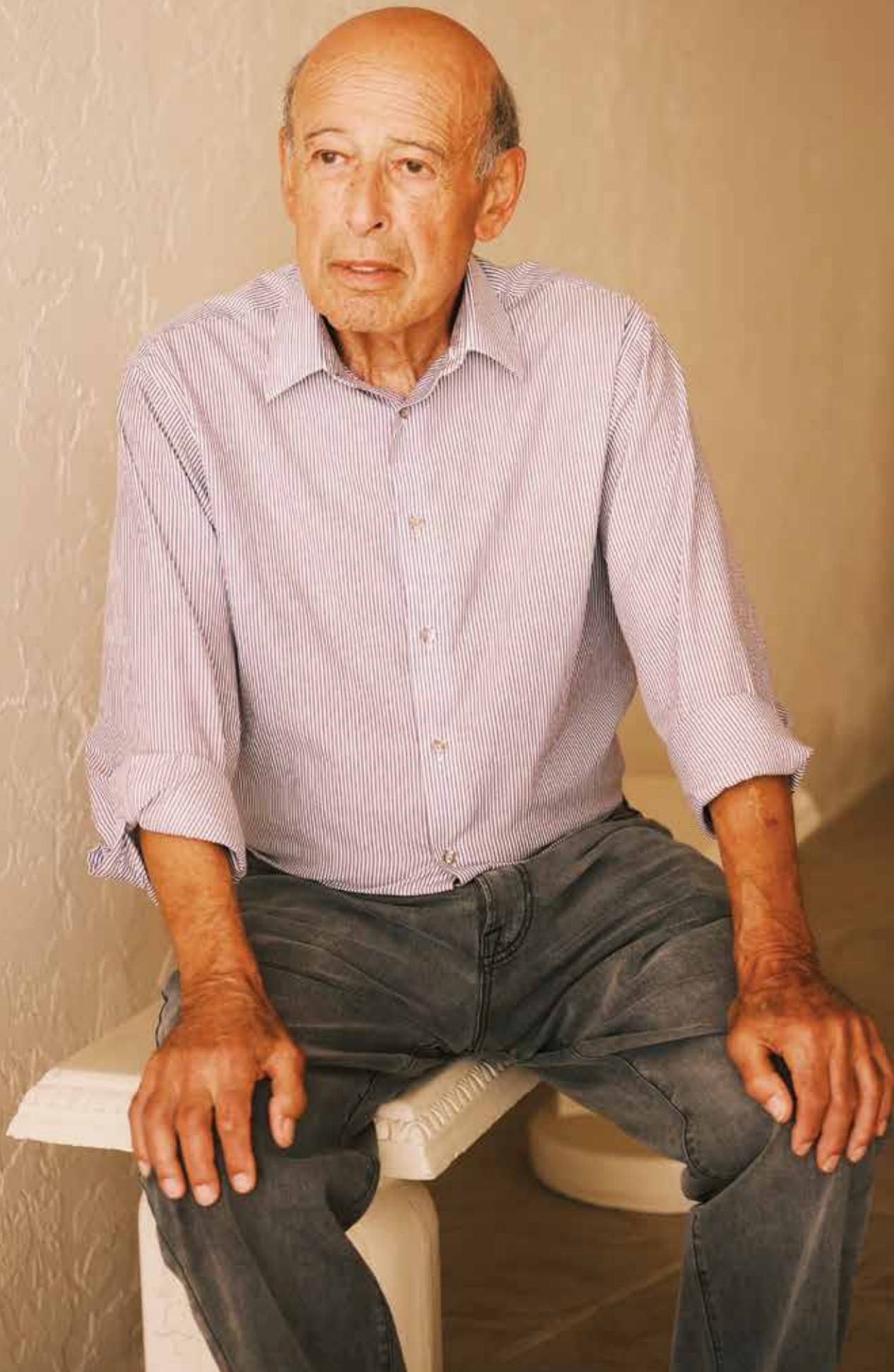
The Code of Intervention

The killing of George Floyd galvanized a new kind of police training, inspired by a UMass Amherst psychologist who studied why strangers help others even at great peril — like when his own family was helped during the Holocaust. **BY DOUGLAS STARR**

The killing of George Floyd is a recurring national nightmare. It played out again during the trial of his murderer, former Minneapolis police officer Derek Chauvin — nine minutes and 29 seconds of Chauvin kneeling on Floyd's neck, ignoring Floyd's pleas and the shouts to stop from people nearby. What has been relatively less examined is the behavior of the other officers at the scene: Tou Thao, who stood facing the crowd, stopping people who were trying to help; J. Alexander Kueng, who held Floyd's waist; and Thomas Lane, who held his legs.

Revisiting the video in any form remains upsetting. We will almost certainly see it again when Thao, Kueng, and Lane go on trial, scheduled to start August 23. The three former officers face charges of aiding and abetting second-degree murder and second-degree manslaughter. But one section of the video offers a near-textbook example of how tragedy might have been averted.

PHOTOGRAPH BY ZACK WITTMAN FOR THE BOSTON GLOBE



Ervin Staub, a UMass Amherst professor emeritus, studies what motivates people to take action during a crisis.

“EVEN IN THE WORST OF TIMES, THERE ARE SOME PEOPLE WHO CARE.” ERVIN STAUB

Minutes into the arrest, Lane asked, “Here, should we get his legs up, or is this good?”

“Leave him,” Chauvin said.

A few moments later, as recorded on Lane’s body camera, Lane asks another question about repositioning Floyd’s body, only to be rebuffed:

Lane: “Should we roll him on his side?”

Chauvin: “No, he’s staying put where we got him.”

Lane: “OK. I just worry about excited delirium or whatever.”

Chauvin: “Well that’s why we got the ambulance coming.”

Lane: “OK, I suppose.”

Lane was a rookie with four days on the job and Chauvin, with 19 years’ experience, was senior officer on the scene. Lane twice spoke up, if tentatively, to express concern about Floyd’s condition, comments Chauvin brushed away. Perhaps deferring to Chauvin’s rank and experience, Lane stopped questioning. Neither of the other officers apparently said or did anything to stop him. Moments later, George Floyd was dead.

Things could have gone differently, says Ervin Staub, a professor emeritus of psychology at the University of Massachusetts Amherst and an expert on the science of intervention. Many factors figured into Floyd’s murder, including race and a lack of accountability for Chauvin’s past violence

(18 formal complaints were filed against him in his 19-year career, although only one led to a reprimand). Staub believes a police training program he helped develop would have taught the other officers how to effectively intervene with a superior officer in a moment of crisis.

Staub is the guiding mind behind a program making its way across the country’s police forces. Called ABLE—for Active Bystandership for Law Enforcement—it’s based on Staub’s decades of research into how passive police bystanders become active intervenors to stop a situation from getting dangerous. The decision to intervene in such cases is not just a question of innate courage or moral impulse, Staub says. Instead, intervention is a teachable skill that helps overcome common inhibitors—like rank or seniority—that can hamper police officers from interceding with a fellow officer when they know they should.

ABLE lowers barriers to action by explaining the psychology of intervention, teaching practical techniques, and setting up scenarios that the officers can rehearse—“just like we practice car stops or building entry,” says Captain Phillip Terenzi, commander of the Training and Education Division of the Boston Police Department. “That’s what’s good about ABLE.” The program is also designed to be ongoing, with reminders about it at roll calls and annual follow-up

training modules, among other steps. In April, Terenzi’s division started training new Boston recruits in ABLE, and expects to offer it as in-service training for the department’s more than 2,000 officers starting in July.

Training police to intercede with each other was a key component of police reform legislation Massachusetts passed in December. While just one piece of many that are needed for broad reform, ABLE is “exactly the kind of program we hoped would come out of the ‘duty to intervene’ language in the bill,” says Democratic state Representative Russell Holmes, a Mattapan legislator who has pushed for police reform for years.

While the Minneapolis police already had a legal duty to intervene, officers there had not been properly trained. Advocates hope ABLE will address that gap. The New Hampshire Police Standards and Training Council adopted ABLE training last fall, in part because it reverses previous top-down approaches. “As a young officer, I was taught that if you were told something, you did it,” says Lieutenant Justin I. Paquette, a law enforcement training specialist at the academy. He says ABLE “empowers the junior officers to take action.”

This is a pivotal moment in police reform, as viral videos have exposed a cascade of police violence toward people of color even after Floyd’s widely publicized death. Many of those cases could have been prevented if only one of the officers at the scene had intervened.



Captain Phillip Terenzi, head of Boston’s police academy and training division, says a new “duty to intervene” training program will help improve policing.

Ervin Staub credits his life to the intervention of others. As a 6-year-old in Hungary in 1944, he was walking up a Budapest street with the family’s maid and nanny, Maria Gogan, when Nazi tanks rolled into town. As the Nazis began rounding up Jewish people, Gogan, a gentle Christian woman who had lived with the Staubs since before Ervin was born, hid him and his sister with a Christian family, saying they were her cousins from the country. Gogan went on to repeatedly help shelter the family.

Years later, a friend asked Staub what he had learned from the Holocaust. “Even in the worst of times,” he replied in a letter, “there are some people who care.”

After the war, Staub’s family opened a clothing business in Hungary. He left the country in the aftermath of the failed Hungarian Revolution of 1956, and eventually made his way to the United States. He earned an undergraduate degree from the University of Minnesota and did graduate work in psychology at Stanford University, where

he met Perry London, a psychologist who did pioneering studies of people London called “rescuers”—European Christians who helped Jews during the Holocaust.

Having grown up with rescuers, Staub became curious about the forces that shape them. While an assistant professor at Harvard University and then a professor at UMass, he conducted dozens of experiments to understand what influences people to help. In one that took place near Porter Square, Staub instructed an assistant to collapse on a street, and then observed whether passersby would stop to help. Some rushed over, while others averted their eyes or crossed to the other side of the street. In another experiment, Staub found that when young children working on a drawing heard a crash and a moan in an adjacent room, they jumped up to help. But by sixth grade, that impulse had nearly vanished. Older children would explain they thought they should keep working, or weren’t sure if they had permission to leave.

To measure the influence of bystanders, Staub put one of his assistants in a room with someone else. They would hear a crash and sounds of distress from the next room. If the assistant said not to worry, only about 1 in 4 of the subjects went to help. If the assistant said “That sounds bad” but stayed seated, about two-thirds went to help. But when the assistant said, “That sounds bad. I’ll go find the experimenter. You go see what happened,” and then left the room, every one of the subjects took action. This study would greatly influence Staub’s later work with police.

Staub also studied the Holocaust, the Cambodian genocide, and other mass killings. He saw how in a troubled society, people might commit small acts of aggression that could become a cascade of force if ignored. “That’s what allows the violence to increase,” says Staub, a trim man who at 82 still speaks with a mild Hungarian accent. The aggressors deny the target group’s humanity—an “othering” that insists victims deserve ill treatment.

Yet in the face of such cruelty, a small number of rescuers may perform acts of courage, like Darnella Frazier, the 17-year-old who took video of Chauvin’s actions that day in Minneapolis. Such was the case when the residents of the rural French village of Le Chambon followed the example of their pastor and sheltered more than 3,000 Jews during World War II. Staub refers to such people as “active bystanders,” another concept he would bring to police training.

Staub’s introduction to working with police came in 1991, after Rodney King, a Black man, was beaten by four Los Angeles police officers while 17 other officers stood by and watched—all of which was caught on video by a bystander and made public. A commission formed to investigate the incident called on Staub to speak about his



State Representative Russell Holmes called for “duty to intervene” language to be part of the police reform bill passed by the Massachusetts Legislature in 2020.

research on the roles of bystanders. After hearing his testimony, state officials asked him to create a peer intervention training program for police, hoping to improve police-community relations.

Staub spent months developing the course, and in July 1992 — after massive riots in response to a jury's acquittal of the officers on assault charges — presented it to a committee of civilians and police. He says it seemed to go well until he mentioned role-playing would be essential to the training. "I don't do role-playing," Staub recalls a police captain saying, and the session went downhill from there. They never called Staub back.

Staub continued his human rights work, designing anti-bullying curricula for schools and working on reconciliation projects in several countries, most notably post-genocide Rwanda. He spent 17 years visiting the country for three weeks at a time along with his wife, Laurie Anne Pearlman, a psychologist who specializes in trauma treatment. He also wrote nine books on the psychology of good and evil.

It wasn't until 2012 that he got another chance to work with police, when the federal government put the New Orleans Police Department under a consent decree, a legal agreement to make a series of reforms.

Civil rights lawyer Mary Howell has spent decades litigating against the New Orleans police, which had been one of the nation's most corrupt and violent departments. (She had asked Staub to provide expert testimony in 1993 for a case involving the beating death of a suspect in police custody.) She's worked on cases of police committing murder, terrorizing neighborhoods, and trafficking in drugs. And she's seen police protect each other with their code of silence. "I've also represented police whistle-blowers," says Howell, whose rapid-fire monologues and tireless pursuit of justice are the model for the Toni Bernette character on the HBO series *Treme*. "I've seen the pain that's inflicted on people who intervene."

When the consent decree was put in place, Howell saw the chance for more effective reform than just suing the New Orleans police for brutality. She introduced the idea to Christy Lopez, one of the US Justice Department officials overseeing the process, and active bystander training was included in the agreement.

Getting a requirement to train to intervene "was a defining moment," Howell says. For the next two years, Staub consulted with Howell, Lopez, community leaders in New Orleans, and — most importantly — police officers and a new chief who took over in 2014 to develop a curriculum based on the one he created some 20 years earlier. One key difference: In addition to framing the program as a way to improve community relations, they made it about looking

out for your partner — protecting him or her from making a career-ending mistake. They also stressed that it could benefit the officers personally, since people caught in bad situations suffer psychologically, says Staub, with higher rates of substance addiction, family problems, and suicide. Finally, they made sure members of the department took the lead in developing the training, thus gaining buy-in.

The New Orleans program was called Ethical Policing Is Courageous, EPIC for short. It consisted of lectures, discussion groups, and role-playing. Starting in 2016, every member of the department trained with it, from new recruits to the chief.

It didn't always go smoothly. Some officers refused to comply and had to be re-assigned or dismissed, according to Jonathan Aronie, a partner at the Washington, D.C., law firm Sheppard Mullin who was assigned by the Justice Department to oversee the agreement. But gradually the initiative took effect. Police shootings declined; for two years there were no police shootings at all. Taser discharges dropped by nearly two-thirds from 2014 to 2018, according to an Office of the Consent Decree monitoring report, and civilian complaints declined as well. Granted, multiple factors affected those outcomes, including other reforms enforced by the consent decree. But one measure of the program's effectiveness in local police culture is that "EPIC" became a verb, as in "I EPICed my partner who was losing control." One officer spoke of EPICing herself after a driver insulted and spit at her.

Some members of the New Orleans Police Department became evangelists for the program, giving lectures to other departments and urging them to adopt peer intervention. A few did, including in Asheville, North Carolina, and Charleston, South Carolina. Other departments developed their own programs. The police in Washington, D.C., for example, have a practice called "tapping out," in which officers step in if they see their partner getting too agitated.

But the killing of George Floyd galvanized longstanding reform efforts. So, over the course of last summer, members of the original EPIC team, including Staub, worked under the auspices of

Georgetown Law's Innovative Policing Program to create Project ABLE. Meant for adoption by police nationwide, it includes more science, real-life stories, role-playing, and practical tactics. "I think of it as EPIC 5.0," says Aronie, who is chair of the ABLE board of advisers. "It builds on the foundation of EPIC but significantly improves upon it by incorporating many of the lessons we learned over the last five years."

The goal of the training is not only to teach a technique, but to permeate a department's culture. "The training had to work on cultural change," Staub wrote when he conceived of the program. "It had to transform the meaning of good teamwork, so that an officer preventing or stopping a fellow officer from harming an innocent civilian is seen as [an example of] good teamwork and real loyalty."

It starts with an eight-hour session for new recruits, followed by annual two-hour refresher courses, in-service training each year for veteran officers, plus a written commitment from the agency's leadership to fully support the program and whatever policy changes are necessary to maintain it.

Recently, Aronie, who also leads ABLE trainings, described how it works. The sessions begin with three scenes based on real-life incidents in which police made damaging or dangerous decisions. In one, a suspect cuffed to a bench in a waiting area taunts a Latina desk officer with sexist and racist slurs until she can't take it anymore, strides over to him, and smashes his head against the wall. In another, a detective who had worked several shifts in a row thoughtlessly makes fat jokes in the presence of media, while standing over the corpse of an obese man. In the



Mary Howell (left), with Fuki Madison in April 2012, after police officers who had killed Madison's son and other New Orleans residents were sentenced.

third, a rookie notices a sergeant’s haphazard search and handcuff of a man he’s arrested, but feels too intimidated to speak up. The suspect, when seated in the back of the patrol car, frees his hands, takes out a gun the sergeant had missed, and murders the officer driving the car.

“These are horrible stories, but we don’t let the recruits discuss them right away,” Aronie says. “We want them to be thinking about them during the day.”

Instructors then conduct a series of seminars, working their way from the theoretical to the practical. They start by describing famous psychological studies on obedience to authority, peer pressure, and leadership. Staub’s studies of bystanders and the roots of goodness and evil are recapped. Then they discuss inhibitors—those things that get in the way of taking action, such as fear of being disloyal, embarrassing a fellow officer, or jumping one’s rank.

The process of deciding to intervene takes barely a second in real life, but in the training it’s dissected in detail. Finally, the instructors discuss what to do if it becomes necessary to publicly contradict a superior. That process can start by raising a question (“Lieutenant, are you sure this is normal procedure?”); progress to issuing a challenge (“Lieutenant, I can see he’s not breathing. We need to let him up.”); and escalate to shouting a command and physically intervening (“You’re killing him! I’m taking over!” and pulling the officer off the suspect). Most interventions don’t need to follow the entire sequence. A minor situation such as tempers rising over a traffic stop can be easily resolved. (“I’ll take it from here. Why don’t you go and check on his warrants?”)

At the end of the day, it’s time for the trainees to give their opinions on how they would avert the situations they heard about that morning. “Some of them are simple, some of them are brilliant, some are complicated,” Aronie says. Most say that they could have prevented violence and saved their Latina colleague from disciplinary action by paying attention to the suspect instead of ignoring him, and moving him, or the officer, to another room. Some say they would have stopped the overtired detective as soon as he uttered the first remark about the victim’s weight. “Early intervention is best,” says Justin Paquette, the New Hampshire state police trainer. “The longer you wait the harder it becomes to intervene.”

Correcting the sergeant’s improper search could be more complex, because it involves a rookie challenging a superior in public. Here’s

where a bit of tact can be helpful, says Phillip Terenzi, because it doesn’t trigger the sergeant’s defenses, which are likely to be heightened in a tense situation. “The rookie could have said, ‘Hey Sarge, I need some practice in pat-downs and searches, can I take a try at that?’” Or he could have reminded the sergeant that it’s policy to do an additional search before putting the suspect in the police car. Concern about the sergeant’s feelings might sound absurd in a life-or-death situation, but Terenzi says those are exactly the moments where a small bit of tact can defuse emotions. “The point is, you don’t have to make a big deal of it,” he says.

Aronie explains that in hierarchical cultures such as police departments, the inhibitors to contradicting a superior can be strong. For that reason role-playing in ABLE training includes pairing up rookies with senior officers so the veterans get used to accepting intervention. Other professions have confronted the same problem. Years ago, after a series of air crashes related to human error, the airline industry instituted a program to teach copilots to speak up and pilots to listen. The medical industry did the same with nurses and doctors in the operating room.

“We make this mistake of not understanding how powerful the inhibitors are, even among good people,” Aronie says. “We explain it away by telling ourselves that the cops who don’t intervene are bad people. But plenty of times, they’re not. Would you say that nurses who don’t intervene when a surgeon makes a mistake are all evil? Of course not. Our approach is to give officers the skills and tactics to make it easier to intervene.”

Since the new program launched last fall, Aronie and his colleagues have trained about 475 instructors from more than 100 departments in 30 states—lessons they hope will change the practices of more than 100,000 officers who serve some 50 million people. In Boston, Terenzi and nine other ABLE-trained instructors at the academy taught the program to April’s class of nearly 100 recruits and it will soon be made part of required in-service training for veteran officers. Paquette has taught ABLE to between 150 and 200 recruits since the fall in New Hampshire. New York City’s police department recently started using the program, and New Jersey will require the training for its 33,000 state and local police officers.

ABLE-type training is no cure-all. Systemic racism is rife in our justice system, including

police departments. Some departments have an adversarial history with their communities, as seen in Ferguson, Missouri, and elsewhere. Police officers also face mission creep, as they are asked to respond to situations better suited to social workers or mental health professionals. A code of secrecy among police is another problem.

“It’s true that there’s a problem of protecting one’s own, just as in the military and there was in the church,” Staub says. Being an active bystander, he says, should include refusing to cover up any form of a colleague’s misbehavior.

The police reform bill that Governor Charlie Baker signed in December does not address qualified immunity, the legal doctrine that makes it almost impossible for citizens to sue public officials, including the police, for violating their rights. It does seek to address many other problems, including having a civilian review board with subpoena and enforcement powers, banning chokeholds as a form of restraint, requiring a duty to intervene, and putting strict limits on no-knock entry and other dangerous practices. A similar broad police reform law recently was passed in New Hampshire. Yet even in the best of circumstances, with 18,000 police forces in America, hundreds of thousands of police, and tens of millions of police-citizen interactions per year, it’s impossible to ensure all of those interactions go well. State Representative Holmes says ABLE training is only a beginning. “You need training, you need oversight, and you need to demilitarize the police,” he says. Still, he feels that many police officers have become “much more socially conscious. They understand the system is broken and that they need to do something about it.”

Staub acknowledges that peer intervention can’t address every problem that will arise between citizens and police. Yet he sees reason for hope. “If this becomes part of the consciousness of the country, and certainly, therefore, the consciousness of the police, then things may begin to change,” he says. “Citizens benefit from better policing. Police officers benefit because they don’t get into trouble. The police department benefits from positive relationships with the community, who are more willing to come forward as witnesses to crimes. As I see it, everybody wins.” ■

Douglas Starr is a Boston-area writer with a special interest in science and the justice system. His most recent book is The Killer of Little Shepherds: A True Crime Story and the Birth of Forensic Science. Send comments to magazine@globe.com.