Police Accountability and Transparency Task Force
Logistics Subcommittee
Review of Police Peer Intervention Training Programs

Recommendation

Recommendation 1

It is recommended the Connecticut Police Officer Standards and Training Council (POSTC) require all police officer recruits receive at least eight hours of training to understand their duty to intervene beginning in January 2023. The training should include:

- Review of the state duty to intervene law;
- information on why and when to intervene with a fellow officer who is engaged in misconduct;
- strategies on how to intervene; and
- overview of concepts the underpin peer intervention including but not limited to "bystandership", departmental loyalty, code of silence, and retaliation.

Recommendation 2

It is further recommended that POSTC offer a mandatory seminar for all police chiefs and command staff on the statutory duty of intervene and changing police department culture to accept and support those police officers who intervene when necessary. This seminar should stress the importance of active and strong leadership to shift the police culture around intervening and the adoption and enforcement of peer intervention and anti-retaliation policies and protocols. POSTC should begin offering the seminar in January 2023 and continue until all police chiefs and command staff have attended.

Recommendation 3

It is recommended POSTC in collaboration with a state institute of high education consider operating a pilot peer intervention training program in at least five police departments across the state. An existing peer intervention training program may be utilized (e.g., EPIC or ABLE) or a new program designed specifically for Connecticut police departments may be implemented. The preliminary work on the pilot program should begin in 2022 and implemented in participating police departments by January 2023 and should include consideration of funding sources and federal, state, and other grants to support the pilot program.

POSTC may consult with the Connecticut Police Chiefs Association to identify police departments to participate. Consideration should be given to those police departments that have been identified with statistically significant disparities in the annual racial profiling study and to those that have the highest number of uses of force incidents identified in the state's annual report on police use of force. Additionally, the police departments participating in the pilot program should reflect communities of different sizes and composition across the state. However, participation in the pilot program by a police department should be voluntary.

A significant component of the pilot program would be to determine the efficacy of the training on shifting the culture of a police department and reducing incidents of police misconduct and uses of excessive

force. The selected state institute of higher education would be required to develop the methodology, collect and analyze data, and report on the program's effectiveness and make recommendations to improve the program and to expand or discontinue the program.

Given the time to develop and implement a peer intervention training program and to collect the data necessary to evaluate the efficacy of the program, POSTC and the selected institute of higher education should issue status reports in January 2025 and 2026 and a final report in January 2027. These reports shall document the development, implementation and efficacy of the peer intervention program and make recommendation to continue or discontinue the program. If it is recommended the peer intervention training program continue and be expanded to additional police department, the task force shall make recommendations to develop training programs for the basic recruit academy, in-service training for certified officers and command staff and implementation manual for police departments. The status and final reports shall be submitted to the Connecticut Police Officer Standards and Training Council, the Connecticut Police Chiefs Association, and the legislative committee having cognizance over public safety.

Rationale

Connecticut, like many states in the country, was prompted by the aftermath of several cases of police use of excessive force and police brutality to implement changes and to push for reforms. One such reform is a peer intervention program that encourages police officers to step in and stop fellow officers from doing bad things, escalating situations or antagonizing individuals, and using excessive force.

President Barack Obama's Task Force on 21st Century Policing (May 2015 report) established the importance of peer intervention by police officers to prevent misconduct by other officers as a key reform. Citing the powerful influences that police officers haven on the conduct and behavior of their fellow officers, the task force recommended peer intervention training to create paradigm shifts in police culture.

In 2020, the Police Accountability and Transparency Task Force established 21 priorities to improve policing in Connecticut and endorsed a mandatory peer intervention program and training provided to academy recruits and refresher training for certified officers but stopped short of recommending this be enacted into state law.

Peer Intervention Training for Police. There two primary peer intervention training programs for police: Ethical Policing Is Courageous (EPIC) and Active Bystandership Law Enforcement (ABLE). These peer intervention programs teach police officers to intervene when they see a fellow officer violating the rules of conduct. Specifically, the programs utilize the abilities of rank-and-file officers to serve as the first line of defense in preventing mistakes and misconduct among other officers. These programs are intended to empower and give police officers the strategies and tools they need to intervene, to step in and prevent, problems before the occur, how to have difficult conversations with colleagues, and to protect those officers who have the courage to intervene from retaliation from other officers and/or the department administration.

The programs are rooted in the study of "active and passive bystandership" (by Dr. Ervin Staub). The research notes inhibitors to active bystandership that compel peers and others to remain passive in the face of injustice. In the case of the police, such inhibitors can include simply not knowing how to intervene, fear of retaliation, isolation, or hostility, loss of employment, or the culture of silence (the "blue wall of silence").

Supporters of the program cite anecdotal evidence that the program works and contend that if the program prevents officer misconduct and there is then nothing to report or track. Police departments implementing these programs have reported the number of public complaints against police for misconduct have declined, but there are few other measurable outcomes tracked.

As a result, there is no consensus of the efficacy of peer intervention programs for police or even the validity of Staub's "bystander" research, which is the basis for the programs. Research has shown that implementation of these program and minor policy adjustments over the years have proven ineffective in stopping violence particularly against people of color or in shifting internal police culture. Evaluations of peer intervention programs concluded that training only can not change the way that police departments work and strong leadership in necessary to implement any cultural shifts. There are calls for more peer-reviewed analyses of the program and the quality of the training before it can be deemed successful. Critics of EPIC, ABLE, and similar home-grown programs hold that these programs are meant to divert attention from bigger problems that plague policing and reinforce the "few bad apples" theory.

This is not a simple issue. Peer intervention programs put a responsibility of police officers to keep fellow officers in check, but it alone does not create a cultural shift in a police department, especially one with potential internal problems. And the goals of the peer intervention programs cannot be achieved without a systemic change of police culture; a change that shifts police officers' perspectives, makes them aware of implicit and explicit biases, and provides the support to allow officers to make decisions and take actions that may go against entrenched norms.

Use of Force. Public attention tends to focus on the most egregious incidents of excessive use of force by police in which Black citizens have disproportionately been victims. In recent years, there have been numerous high-profile cases in which citizens have been killed or seriously injured by the police and the misconduct by the police involved was so blatant that criminal charges were filed. However, there are many more incidents between police and citizens that are violent without being fatal or resulting in serious physical injury, and the police conduct may not have been illegal but should not have occurred. It can be argued that it is these incidents that are not often publicized and may not even be reported by police that over time erode the public's confidence and trust in the police and, in some communities, create an untenable relationship between the community and the police.

Across the country, there has been on outcry for reforms to improve policing, specifically ending the excessive use of force and racially biased policing, and to restore public confidence in the police. In many cases, this misconduct is attributed to poor hiring, poor training, poor supervision, bias, and a tribal police culture that values "the blue wall" over accountability and transparency. Reforms considered have included, but are not limited to: ending the "Broken Windows" strategy of policing; establishing or expanding civilian oversight of police; strengthening and monitoring local use of force policies; use of

body-worn cameras by all officers; requiring implicit bias and de-escalation training; requiring police officers to intervene when a fellow officer is using excessive force and prosecuting that officer for using excessive force; ending or limiting qualified immunity for police officers; prohibiting tactics such as choke-holds and no-knock warrants; stopping the militarization of the police; investing in recruitment and training of a diverse and community-oriented police force; and prioritizing government spending on community health, mental health, education, social services, and housing rather than funding the police department.

Police departments and officers tend to portray any restrictions or reforms on authority and autonomy as a serious threat to officer and public safety. In the face of the current public outcry and political scrutiny, the police feel besieged and unfairly maligned and, as a result, are resisting current efforts to reform.

It is not yet clear what the impact will be of these reforms and whether many of these reforms will, in fact, be fully implemented. There is some research to suggest that these reforms will fall short because they don't address one of the primary root causes: police culture.

What is often overlooked, whether intentionally or unintentionally, is the powerful influence of organizational police culture. Police culture refers to the informal norms, attitudes, and values in police organizations. Within a police department, there can be multiple cultures that divide along rank or assignment or other factors within the force. ***It is critical to keep in mind that police cultures vary across departments and towns,*** but there are certain core creeds of police culture that are similar across departments and jurisdictions.

Police culture often is characterized as the "warrior model" and refers to a quasi-military approach that champions assertive, dominant, insular, and intolerant actions and beliefs. This model creates a strong sense of loyalty among officers while creating animosity or distance from citizens. Police do not see themselves as or identify with the members of the communities they serve.

Training often focuses on managing conflict through strength tactics rather than verbal resolution. Officers are taught the community is a dangerous, deadly place and that every incident with a citizen is potentially deadly and the officer must be ready to use force to keep themselves and other officer alive. Within some police departments, this approach distances police officers from the communities they serve and can pit officers against the community or at least segments of a community. It breeds an "us versus them" mindset that makes resorting to violence much easier. This can go beyond the "bad apple" officer and often be systemic.

Duty to Intervene. Public Act 20-1 *An Act Concerning Police Accountability,* codified the concept of duty to intervene. In Connecticut, a police officer is under a duty to intervene and prevent fellow officers from subjecting a citizen to excessive force and may be prosecuted for that same act for failure to intervene if he or she observes the use of force and has sufficient time to act to prevent it. Police departments are prohibited from taking retaliatory action against an intervening officer who reports an incident.

The recent incidents of excessive use of force by police occurring in other states show what can happen when officers on scene fail to intervene to prevent misconduct by a fellow officer. These "bystander"

officers are in positions to know what is happening and what should be happening based on the proper policies and protocol and, most importantly, are in a position to intervene and take action where circumstances would seem to require action.

There are serios risks of not creating a police culture of active “bystandership”. First, supporting a culture of active bystandership exposes individual officers and the police agencies and political jurisdictions that employ them to potentially significant legal liability. It can help officers from losing their jobs. Second, there may be consequential health risks and personal costs for those officers who commit misconduct and the officers who passively observe it. Third, the core role of policing and its ability to prevent rather than cause harm may require instilling a culture of active “bystandership”. Finally, and perhaps most importantly, the consequence of not providing a culture of active “bystandership” is that it undermines a police agency’s ability to serve it public and it erodes community confidence in the police. It cannot be argued strongly enough that the primary duties of the police are to protect the public and uphold the law and that duty extends to protecting the public from police themselves. Police officers have a moral duty to call out police wrongdoing.