



ETHICAL POLICING IS COURAGEOUS



Loyola Hosts First National Police Peer Intervention Conference

BY SUE WEISHAR, PH.D.

Participants discuss ethical policing at the National Police Peer Intervention Conference at Loyola University New Orleans College of Law

On April 19th and 20th Loyola University New Orleans College of Law hosted the first National Police Peer Intervention Executive Leadership and Training Conference. In attendance were almost one hundred police chiefs, trainers, and policy experts from more than 25 municipalities, including New York, Washington, D.C., Baltimore, and Atlanta. Participants also included police executives from four cities in the Gulf South: Baton Rouge, Louisiana; Jackson, Mississippi; Plano, Texas; and Austin, Texas. The purpose of the conference was to learn about the New Orleans Police Department's (NOPD) innovative Ethical Policing is Courageous

(EPIC) program. Developed by the men and women of the NOPD, social science researchers, community stakeholders, and police reform experts, EPIC's goal is to educate, empower, and support officers on the streets to play a meaningful role in "policing" each other by intervening *before* a wrongful action occurs.

EPIC is the first department-wide police peer intervention program in the country. Through role-playing, discussions, and lectures, the program helps officers identify potential mistakes and misconduct before they occur, and gives officers the tools and

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strategies to intervene promptly and effectively, thereby saving careers and protecting the public. A major program focus is to help officers see that intervening is a way to protect fellow officers from disciplinary action, criminal charges, or worse. As conference co-organizer and long-time civil rights attorney Mary Howell told attendees, EPIC takes the pressures of peer conformity and loyalty that too often lead officers to remain silent in the face of improper behavior of their colleagues and “flips it” for good.

EPIC draws upon the social science research on active and passive “bystandership” conducted by renowned psychologist Dr. Ervin Staub. A Holocaust survivor who fled Communist Hungary when he was 18 years old, Dr. Staub gave the keynote address at the conference. He began his remarks with the following observation, “Policing may be the most honorable profession of all.... Except when it goes wrong.” He explained that policing often goes wrong when a “bystander,” which he defined as “a witness who is in a position to know what is happening and is in a position to take (positive) action,” fails to act.

Based on years of experimental research on helping behavior and the study of genocidal actions, Staub described what inhibits active bystandership: other bystanders who remain passive, harm-doers modeling wrongful behaviors, and a culture or group standards that justify harm towards victims—often persons who have already been devalued by blaming or scapegoating. In addition to helping the NOPD establish EPIC, Dr. Staub has worked with educators to stop bullying in schools, developed a training program to reduce the use of unnecessary force by California police after the Rodney King incident, and led a project in Amsterdam to improve Dutch-Muslim relations. Since 1999 he has conducted workshops and trainings in Rwanda to promote healing and reconciliation and to prevent new violence.

The long-troubled New Orleans Police Department reached a nadir in the chaotic aftermath of Hurricane Katrina when officers shot and killed unarmed citizens and then orchestrated elaborate cover-ups to escape accountability. A March 2011 U.S. Department of Justice (DOJ) investigative report found the NOPD to be one of the most corrupt and dysfunctional police departments in the country. In July 2012, the City of New Orleans entered into the nation’s most comprehensive federal Consent Decree ever for a police department. This decree covers virtually every aspect of modern policing: policies, operations, training, accountability, discipline,

use of force, sex crimes investigations, interrogations, canines, search and seizure, racial profiling, gender discrimination, etc. Against this background, it is all the more remarkable that six years later the NOPD led a national conference on a ground-breaking program in ethical decision-making in law enforcement.

A diverse group of organizations sponsored the conference, including the Southern Poverty Law Center, Fraternal Order of Police, New Orleans Police and Justice Foundation, and the Jesuit Social Research Institute (JSRI). Loyola Law School Dean Madeleine Landrieu and JSRI Director Fred Kammer, S.J., discussed this unique collaboration in a joint statement after the conference:

... what we have in common is far greater than what divides us. What we most assuredly have in common is the belief that ethical policing that respects and protects the Constitutional rights of all residents to liberty, equality, and justice is a noble profession that plays a vital role in holding communities together in a democratic society.¹

There was a strong Jesuit presence at the conference. Loyola College of Law Professor Andrea Armstrong provided the opening remarks, noting that participants would be honoring Loyola’s Jesuit origins when they strove to achieve intellectual rigor, service, excellence, and justice. Christy Lopez, Visiting Professor at Georgetown University Law Center, spoke on two panels about her experiences helping to establish EPIC. She served as Deputy Chief in the Special Litigation Section of the DOJ’s Civil Rights Division from 2010 to 2017 and played a key role in including peer intervention training in the NOPD consent decree. The former Director of Loyola’s Twomey Center for Peace Through Justice, Ted Quant, was one of the community stakeholders who provided input to the EPIC training curriculum. With a long history as an activist against police brutality, Ted urged police leaders to infuse the EPIC ethos into everything they do. Of the seven NOPD leaders on the conference program, six have degrees from Loyola University, including NOPD Superintendent Michael Harrison (M.S., Criminal Justice, 2009).

Conference supporter Jonathan Aronie, who also serves as the lead Federal Monitor for the NOPD consent decree, shared with participants his belief that, when police departments nationwide see how much more objectively safe and effective policing becomes through an EPIC lens, the adoption of peer intervention training

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Catholic Social Thought and Property

Both the Church's teaching on private property and its property concept evolved in modern thought. Initially, popes affirmed the right of private property, though they urged owners to exercise social responsibility in sharing surplus property with the needy. Gradually, the Church stressed the "social mortgage" on property wherein property must serve the common good. States had a duty to insist that it does, even to appropriate it to its common purposes.¹ Private property rights, however, remained intact, especially for the human dignity of the poor.

Pope John Paul II in *Centesimus Annus*² affirmed private property rights, but modified by the universal destination of goods [6]³, rooted in biblical creation and the Gospel of Jesus [30-31]. He wrote:

Ownership of the means of production, whether in industry or agriculture, is just and legitimate if it serves useful work. It becomes illegitimate, however, when it is not utilized or when it serves to impede the work of others in an effort to gain a profit which is not the result of the overall expansion of work and the wealth of society, but rather is the result of curbing them or of illicit exploitation, speculation or the breaking of solidarity among working people. Ownership of this kind has no justification and represents an abuse in the sight of God and man. [43]

John Paul explained that "ownership morally justifies itself in the creation ... of opportunities for work and human growth for all" [43].

The pope noted key shifts in the nature of property from land to capital to know-how, technology, and skill:

Whereas at one time the decisive factor of production was the land and later capital—understood as a total complex of the instruments of production—today the decisive factor is increasingly man himself, that is, his knowledge, especially his scientific knowledge, his capacity for interrelated and compact organization as well as his ability to perceive the needs of others and to satisfy them. [32]

This led to a deeper insight into widespread poverty—excluding people from productive systems:

They have no possibility of acquiring the basic knowledge which would enable them to express their creativity and develop their potential. They have no way of entering the network of knowledge and intercommunication which would enable them to see their qualities appreciated and utilized. Thus, if not actually exploited, they are to a great extent marginalized; economic development takes place over their heads, so to speak, when it does not actually reduce the already narrow scope of their old subsistence economies. [33]

Unable to compete or to meet needs by traditional means, their poverty, powerlessness, and marginalization intensifies. In his words, "In fact, for the poor, to the lack of material goods has been added a lack of knowledge and training which prevents them from escaping their state of humiliating subjection" [33].

This inability to access productive systems and markets indicates how limited, for John Paul, was the market's efficiency. It signals yet another area where government and subsidiary institutions must act in solidarity with the poor to insure the common good. Efforts to meet human needs must be combined with education, technical training, development assistance, technology and internet access, and other efforts to remove barriers and to ensure equality of opportunity and participation.

Property-holding by the widest number of people, then, is critically important. So too is worker participation in the control and ownership of productive enterprises and empowerment and economic development among communities thought to be powerless and asset-deficient. Justice also requires, as Pope Benedict pointed out, access to international and other markets by the poor and by underdeveloped nations.⁴

ENDNOTES

- ¹ See, for example, discussion in Pope Benedict XVI. (2009). *Caritas in Veritate*, 36.
- ² Pope John Paul II. (1991). *Centesimus Annus*.
- ³ Numbers in brackets refer to the numbered sections of the document.
- ⁴ *Caritas in Veritate*, 58.



REMEMBERING THE PAST

Truth and White Privilege

BY NIK MITCHELL, PH.D.

Deuteronomy 4:9 states, "However, be on your guard and be very careful not to forget the things your own eyes have seen, nor let them slip from your heart as long as you live; but make them known to your children and to your children's children." This verse is written on the walls of the sanctuary inside the National Holocaust Museum and serves both as a plea to remember the horrors of the past and, I feel, as an admonition because we, as a country, have not. Racism has so infected the collective social consciousness that people lie about the oppression they saw with their own eyes and have denied their children and grandchildren the truth in favor of a fiction.

This is not a new phenomenon. Thomas Jefferson boldly wrote that "all men were created equal," yet died a slave-owner. Large swaths of white America still claim that the Civil War, a generous title for what was really a slave-holder's rebellion, was not fought over slavery despite the slave states plainly stating that the impetus for their rebellion was their fear of the abolition of slavery. We see it today with the current public

debates over the impact of racism and the existence of white privilege. There can be no movement towards racial reconciliation without a full acknowledgement of what white privilege is and who is responsible for its continued existence.

Bryan Massingale writes, "White privilege shifts the focus from how people of color are harmed by racism to how white Americans derive advantages because of it."¹ White privilege has a multitude of definitions. In keeping with Massingale's position and Peggy McIntosh's work, I define white privilege as "unearned advantage and conferred dominance" that resulted from the historic creation of policy on all levels of governance dedicated to promoting white supremacy in the United States at the detriment of racial minorities.² People of color were barred from entering certain occupations, from attending schools and universities that would provide them with access to certain sectors of employment, and from living where they chose. They even had their tax dollars allocated for white-only serving projects. White supremacy was the official position of American

government and all of its institutions, supported by the majority of white society, from the founding of the nation until segregation society began to collapse in the 1960's. The impact of this period on American culture is white privilege. To put it in perspective, out of 399 years of African American history, black people have been "free" for 50 years. Any honest debate about the pertinent issues of the day that dismisses the facts of American racial history is an intellectually dishonest endeavor.

It should be noted that racism and white privilege are not interchangeable concepts but they are related. Robin DiAngelo writes, "Racism is not fluid in the U.S.; it does not flow back and forth, one day benefiting whites and another day (or even era) benefiting people of color."³ Anyone can be racist on an interpersonal level; but to be institutionally and systemically racist—the kinds of racism creating inequities and oppression—requires power over institutions and government. Only white people currently possess this level of power.

Who is responsible for white privilege? They are those who are its active supporters and those who are complicit in its maintenance. In order to oppress, the actual work of oppression must have the support of the critical mass of the oppressive group, or the critical mass must be complicit through tolerance or non-resistance. Oppression is a culture-wide project. Daniel Goldhagen asserted this paradigm in his landmark *Hitler's Willing Executioners*. He writes:

The program's first parts, namely the systematic exclusion of Jews from German economic and social life, were carried out in the open, under approving eyes, and with the complicity of virtually all sectors of German society, from the legal, medical, and teaching professions, to the churches, both Catholic and Protestant, to the gamut of economic, social and cultural groups and associations. Hundreds of thousands of Germans contributed to the genocide and the still larger system of subjugation that was the vast concentration camp system.⁴

The historical oppression of African Americans in the United States and the Holocaust are different events with different outcomes, but each could only happen with the complicity and support of the larger society. The same is true of white privilege.

Why does the subject of white privilege make segments of white society uncomfortable? It is because white privilege is a confirmation of a deeply entrenched

anti-black sentiment in the United States that required widespread white support. Anti-blackness is central to the implementation and defense of slavery, segregation society, and white privilege. In order for millions of African Americans to be oppressed in the manner which they were, slavery and segregation society had to receive both widespread complicity and willing participants. White Americans have largely been isolated from full knowledge of the actions of their distant ancestors, grandparents, and parents—which undermines the narrative of meritocracy—so the response to the disclosures of white privilege has typically been one of defensive moves designed to return the discourse to one safely ensconced in a white dominated orientation.⁵

Abraham Lincoln said in his lyceum speech, "As a nation of free men we will live forever or die by suicide."⁶ The stakes today are no less dire. America shall have racial reconciliation or it shall have unceasing conflict in order to preserve white privilege. The choice between human dignity and white privilege is ours to make. Just as white privilege can only exist with widespread support, progress can only happen with widespread support. Slavery and segregation society collapsed because of the efforts of people of color and millions of white people of good will; yet, this work is not complete. How can one undermine white privilege and move the society towards progress? Be active in removing the laws, policies, and practices which support white supremacy and privilege. All progress begins with telling the truth to ourselves. Only then can we give our children and grandchildren more than fiction—we can give them a world in which dignity is not the privilege of a few but rather the right of all.

ENDNOTES

- 1 Massingale, B. N. (2014). *Racial justice and the Catholic Church*. Ossining, NY: Orbis Books, 36-37..
- 2 McIntosh, P. (1988). White privilege: Unpacking the invisible knapsack. *Race, class, and gender in the United States: An integrated study*, 4, 165-169.
- 3 DiAngelo, R. (2011). *White fragility*. *The International Journal of Critical Pedagogy*, 3(3), 36.
- 4 Goldhagen, Daniel. (1996) *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. New York, NY: Alfred A Knop, 8.
- 5 DiAngelo, 57.
- 6 Lincoln, Abraham. (January 27, 1838). Retrieved from <http://www.abrahamlincolnonline.org/lincoln/speeches/lyceum.htm>



"REJOICE AND BE GLAD"

The Call of Pope Francis to Holiness

BY FRED KAMMER, SJ

On March 19th, the feast of Saint Joseph, Pope Francis issued an Apostolic Exhortation *Gaudete et Exsultate* (Rejoice and Be Glad) which he described as, not a treatise on holiness, but "a call to holiness in a practical way for our own time, with all its risks, challenges, and opportunities" [1].¹ There is much to savor in this letter, and I would like to highlight certain key points under three headings.

First, the LORD calls all of us to active holiness.

Francis is writing about "saints" without a capital letter. He sees holiness in the daily perseverance of parents and children, workers, elders, and the sick. They are, he writes, "the middle class of holiness" [7]. This holiness is the most attractive face of the Church, but also can be found among people of many faiths. God calls each of us uniquely, summoning us to discern our own path in order to bring out the best of ourselves and our most personal gifts from God.

Holiness can be found in the family, the workplace, and in seeking the common good of all. It takes form in small gestures and, at times, in great challenges in which "the Lord calls us anew to a conversion that can make his grace more evident in our lives..." [17]. Ultimately the power of the risen Lord makes us "capable of loving with the Lord's unconditional love..." [18]. However, just as we cannot understand Christ apart from the kingdom he came to bring, so, Francis writes, our own personal mission "involves a commitment to build with him that kingdom of love, justice, and universal peace" [25].

Second, the one great criterion for our action can be found in *Matthew 25*.

The great judgment scene in Matthew's Gospel where Jesus identifies himself with the least among us, Francis says, "is a page of Christology which sheds a ray of light on the mystery of Christ. In this call to recognize him in the poor and suffering, we see revealed the very heart of Christ, his

deepest feelings and choices, which every saint seeks to imitate" [96]. Pope Francis calls Christians to accept these "uncompromising demands of Jesus" with no "ifs or buts..." He markedly underscores that helping one person in need "would not be enough." The biblical jubilee year tradition also means "seeking social change" [99].²

In contrast to this call to charity and justice, the Pope cites two ideologies "striking at the heart of Christ." The first is the error of those Christians who accept the demands for justice but separate it from their personal relationship to Christ, losing the inspiration of the "luminous mysticism" of the great Saints of charity and justice [100]. The second "harmful ideological error is found in those who find suspect the social engagement of others, seeing it as superficial, worldly, secular, materialist, communist, or populist" [101]. It is in this section that Francis affirms the defense of the innocent unborn, but calls the lives of the poor, the abandoned, victims of trafficking, and the vulnerable infirm or elderly "equally sacred."

Francis then specifically devotes two sections to the situation of migrants and the call of the Christian and Jewish Scriptures to serve and protect them—"not a momentary fad." For the Christian, he writes, "the only proper attitude is to stand in the shoes of those brothers and sisters of ours who risk their lives to offer a future to their children" [102-103].

In keeping the close connection between holiness and action, Francis turns to a favorite theme: *mercy*.³ For Pope Francis, mercy is the highest form of worship, the ultimate criterion on which our lives will be judged [104]. Rather than being divorced from prayer, "the best way to discern if our prayer is authentic is to judge to what extent our life is being transformed in the light of mercy" [105]. It is also through living merciful lives that we can escape the empty self-obsession created by the "feverish demands of a consumer society" or the time-wasting trap of "superficial information, instant communication, and virtual reality..." which can make us "indifferent to the suffering flesh of our brothers and sisters" [108]. Repeatedly, the pope invokes the witness of the saints and the words of Jesus in connecting holiness and action "for Christianity is meant above all to be put into practice" [109].

Third, holiness has characteristics and signs. In two different parts of the exhortation, Pope Francis deals with characteristics of holiness. In the first, he frames his remarks within the Beatitudes of Christ which he describes as "a Christian's identity card." Enumerating

these, he highlights the sanctity of those who are poor of heart, who refuse to dominate others, who understand and mourn the anguish of others ("even to touch their wounds"), who pursue justice for the poor and the weak, whose commitments come from the heart, who are artisans of peace, and who challenge society by the way they live [63-94].

In the other part, the Pope names "five great expressions of love for God and neighbor that I consider of particular importance in the light of certain dangers and limitations present in today's culture." The five particular "signs of holiness in today's world" which Francis sees as critical for our time are: (1) perseverance, patience, and meekness grounded in the God who loves and sustains us; (2) joy and a sense of humor that always endures, even in hard times; (3) boldness and a passion, rooted in the Spirit, to change the world; (4) commitment to communities where the risen Lord is present; and (5) an habitual openness to the transcendent in prayer, silence, and adoration, especially contemplation of the face of Jesus to let his fire inflame our hearts and enable us to set the hearts of others on fire [110-157]. It is especially compelling that the man who is Pope Francis seems to manifest these same signs in his leadership of the Church.

ENDNOTES

- ¹ Numbers in brackets correspond to the numbered sections of the Exhortation.
- ² In making this point, Pope Francis cites the Canadian bishops' Open Letter to the Members of Parliament, *The Common Good or Exclusion: A Choice for Canadians* (1 February 2001), 9.
- ³ Pope Francis. (2015). *Misericordiae Vultus, Bull of Indiction of the Extraordinary Jubilee of Mercy*.



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will grow to the point where incidents of an officer afraid to intervene to keep a colleague from making a mistake or engaging in misconduct will become extremely rare.

In an age of widely shared video footage of police abuse, police leaders are increasingly held accountable for the actions of their rogue officers. The Black Lives Matter movement has exposed the deep distrust between communities of color and local police agencies across the U.S. With crime rates down dramatically since the 1990's, there are growing expectations that police agencies focus on improving community relations. With the policing profession under scrutiny on so many fronts, the EPIC program may very well have come at a critical time for our nation's law enforcement community.²

For more information on EPIC, including training materials (e.g. program guide, PowerPoint, and videos) see <http://epic.nola.gov/home/>

ENDNOTES *Ethical Policing Is Courageous*

- ¹ Landrieu, M. & Kammer, F. (May 10, 2018). NOPD Deserves Recognition. *The New Orleans Advocate*. Retrieved at http://www.theadvocate.com/baton_rouge/opinion/letters/article_d6f370b0-53ae-11e8-b323-3756b7071635.html
- ² See Aronie, J. (June, 2018). Buy-in is irrelevant when it's just a better way: One reason why NOPD's novel police peer intervention training program is taking off, *Community Policing Dispatch*. Retrieved from <https://cops.usdoj.gov/html/dispatch/index.asp>

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