



FORCE SCIENCE[®] NEWS

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In This Edition:

I. New study: How race, clothes, & demeanor influence police violence

II. Follow-up on police attorney's "right-to-be-silent" strategy

III. New on Facebook: "Civil discourse" site for cops & civilians

IV. Quotable quote

New study: How race, clothes, & demeanor influence police violence

Please note: The *Force Science Certification Course* scheduled for **November 12-16, 2018** has been MOVED to **Henderson, NV**. Registrations for that and all other Certification Courses are being taken now. Exact venue addresses and discounted hotel recommendations are available immediately upon request by e-mailing: training@forcescience.org or calling: (312) 690-6216.

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I. New study: How race, clothes, & demeanor influence police violence

It's all about a subject's *demeanor*—not about race, ethnicity, or attire—when encounters with police escalate to violence, according to a new study from Washington State U.

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Activist groups and mainstream media, of course, tend to insist otherwise. But a research team that conducted the first controlled laboratory study comparing how behavior and visible characteristics influence whether officers escalate or de-escalate street confrontations has found that appearance bias is not a dominant factor.

The way subjects *act* is what makes the difference.

“These findings offer important new insight into how fairly officers interact with people during routine encounters that have the potential to turn violent, and what this means for perceptions of police legitimacy, procedural justice, and allegations of racial bias,” writes the study’s lead author, Dr. Lois James.

She’s an assistant professor and researcher who works with the university’s Sleep and Performance Research Center, with a number of police-related studies that have been reported in *Force Science News*.

While her latest findings are encouraging for law enforcement’s public image, her team uncovered some troubling evidence that she describes as “rather shocking.” Justifiably so!

TEST SCENARIOS. Participants in her new study were 50 officers randomly selected from a list of qualified volunteers from the patrol division of a mid-size metropolitan PD. All but a handful were white males, with an average of nearly 16 years on the job.

Armed with training-modified Glock 22s, they were exposed to a series of video scenarios, depicting police-citizen interactions in five situations: a vehicle stop, a welfare check, an investigation of

“suspicious circumstances,” a disturbance of the peace, and a community meeting.

Six versions of each scenario were filmed, so that the same action could feature key role players who differed as to race (white, black, or Hispanic) and attire (“business” dress, consisting of suit or slacks with a button-down shirt, or “street” clothes, including jeans, sneakers, and hoodie). “Gender, age, body type of the suspect, and the environment for the interaction were held constant,” James says.

Half the scenarios within each racial/ethnic category depicted individuals who were confrontational from the onset, while the other half featured non-confrontational individuals, she says. Confrontational subjects, while not behaving criminally or displaying any pre-assault indicators, “acted with hostility, antagonism, contempt, or belligerence...being rude, disrespectful, and mocking.” Non-confrontational individuals were “friendly, polite, and respectful.”

James points out: “It is important to note that this variable was not dictated by [initial] actions of the officer. That behavior was apparent from the very start of the encounter, regardless of how the officer approached the scenario or initiated contact.”

Officers were told to “respond as they would in a routine police-citizen encounter,” interacting with people on the screen, trying to “resolve problems peaceably,” and de-escalating “where possible.”

DEPENDENT BRANCHING. Depending on what the participating officers did during the encounter, each scenario was “branched” in one of these ways:

1) to a “positive track,” where the subject ultimately cooperates and ends up “visibly pleased” or at least “neutral” regarding the outcome, or

2) to a “negative track,” which was initiated if an officer failed to display a professional attitude or dialogue, including disrespecting, patronizing, or insulting the subject, or pointed a gun at him/her “unnecessarily.”

Once the action branched negative, the subject “became visibly upset” or angry. Then the officer could initiate a “repair track” by trying to de-escalate these reactions.

If he failed to attempt de-escalation, however, the action escalated to the “deadly” level. The subject “became enraged, rapidly presented a weapon, and started shooting,” James explains.

Qs & As. James’ team sought to answer two research questions:

1) Did officers differ in how they treated on-screen individuals based on race/ethnicity, attire, or demeanor?

2) If the negative track was initiated, did officers’ de-escalation attempts differ based on race/ethnicity, attire, and demeanor of the person they were dealing with?

Here’s what the researchers found:

• “[O]fficers did not treat white, black, or Hispanic suspects significantly differently,” James writes. “[R]oughly equivalent percentages of scenarios featuring white, black, and Hispanic individuals resulted in cooperative, neutral, and deadly outcomes [indicating] that

officers were not influenced by individuals’ race/ethnicity during their interactions.”

• “[O]fficers did not treat street-dressed individuals differently [than] business-dressed individuals. [A]ttire did not predict the likelihood of a cooperative outcome...a neutral outcome...or a deadly outcome.”

• “The sole significant result was demeanor.... [S]cenarios featuring confrontational individuals were significantly less likely to result in a cooperative outcome...and significantly more likely to result in deadly outcomes.... [O]fficers treated people better and avoided escalation when the on-screen individuals were friendly, respectful, and polite....[Officers] responded similarly to confrontational individuals regardless of their race/ethnicity or how they were dressed.”

• Numerically, officers did attempt de-escalation (as evidenced by activation of the repair track) less frequently in scenarios with black individuals and with subjects in street garb. “But the difference was not statistically significant,” James says.

• Again, “the sole significant variable was demeanor; officers were significantly more likely to attempt de-escalation when the individual was non-confrontational.”

Bottom line: “Collectively, these results suggest that individual characteristics did not influence how officers treated people in the simulator,” James writes. “[B]eing confrontational was the sole significant predictor of a deadly outcome.”

MORE TO DO. The research findings suggest that police were impartial regarding race and attire, which speaks well for law

enforcement in these troubled times. Nonetheless, James does point out a major dark element among the study's discoveries.

Even in scenarios in which individuals were not rude or disrespectful at the outset, officers often "acted in ways that did not lend to the peaceful resolution of encounters," she writes.

Indeed, 52% of the scenarios that began with non-confrontational subjects ended up with deadly force (compared to 63% of scenarios with hostile individuals). In the final split-second that officers are confronted with a lethal weapon, James notes, shooting may well be fully justified. But "when considering the ebbs and flows of the entire dynamic encounter" that led to that point, "the appropriateness of police actions [along the way] is less clear."

Given her study's set-up, where "any attempt to de-escalate the encounter would have resulted in its peaceful resolution," the 52% could be "classified as unnecessary force," James writes—a "rather shocking" result that shows "we still have much work to do."

James' study, "Testing the impact of citizen characteristics and demeanor on police officer behavior in potentially violent encounters," appears in *Policing: An International Journal of Police Strategies & Management* and can be accessed in full for a fee by clicking [here](https://www.emeraldinsight.com/doi/full/10.1108/PIJPSM-11-2016-0159) <https://www.emeraldinsight.com/doi/full/10.1108/PIJPSM-11-2016-0159>. Her colleagues in this research were Dr. Stephen James and Dr. Bryan Vila of Washington State U.

Dr. Lois James can be reached at: lois_james@wsu.edu

II. Follow-up on police attorney's "right-to-be-silent" strategy

In Force Science News #358 [2/27/18], we reported a recommendation from police defense attorney Scott Wood that after an OIS the officer involved should actively invoke his or her constitutional right to remain silent until such time that he or she is ready to give a formal statement.

If that is not done, Wood contends, the failure to grant an immediate investigative interview could be used against the officer in criminal proceedings that might grow out of the shooting.

Some readers asked for more specifics about how the right to remain silent should be invoked. Wood, a certified Force Science Analyst and a Force Science instructor, offers this elaboration:

What I have been doing is this. If the investigator makes it to the scene before I do, I instruct my client that after making a brief "public safety" statement regarding possible witnesses and evidence at the scene to verbally state, "I am now invoking my right to remain silent based on the 5th Amendment to the United States Constitution and the Supreme Court case *Salinas v. Texas*."

Once I arrive, I have a pre-printed form executed by the officer that looks like this:

I UNDERSTAND THERE IS A REQUEST TO INTERVIEW ME ABOUT THE SHOOTING I WAS INVOLVED IN ON _____.

I AM INVOKING MY 5TH AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION AND *SALINAS V.*

TEXAS TO NOT ANSWER ANY QUESTIONS AT THE PRESENT TIME.

I WILL CONFER WITH MY ATTORNEY WHO WILL BE IN TOUCH WITH YOU AT A LATER TIME.

OFFICER'S NAME

OFFICER'S SIGNATURE & DATE

After taking a picture of the form, I give it to the investigator and ask that it be made a part of the investigative file.

I adopted this procedure recently because of an unexpected jury instruction issued in the case of an officer I defended against a charge of first-degree manslaughter in a controversial shooting.

The judge told the jurors that because the officer did not make a formal statement on the date of the shooting but waited for two days until she was well-rested, that could be considered evidence that her testimony in court "is not believable or truthful."

Fortunately, the jury believed the officer's version of events anyway and acquitted her. But had she actively asserted her right to remain silent at the outset, in accordance with the Supreme Court case, the risk could have been avoided. I do believe that is an important insurance policy should criminal proceedings arise from a shooting.

For more information, Wood can be contacted at: okcopolaw@aol.com

III. New on Facebook: "Civil discourse" site for cops & civilians

What if there was a social media page where police agencies could post video from body cams, along with detailed explanations of what's happening in the footage? What if police trainers and other law enforcement experts could engage with curious civilians in a rational and reasonable dialogue about videos posted to social media? Imagine the possibility of bridging the knowledge gap between people who are professional LEOs and the public they've sworn to protect.

Axon Enterprise, Inc. (formerly TASER International), the leading manufacturer of body-worn cameras, is not merely imagining such a thing. The company has set up a non-branded Facebook page called "True Policing," with the intent of fostering civil discourse between law enforcement and community members.

With so many on social media "analyzing" police videos with little or no knowledge of police training, policy, or the law, "True Policing" hopes to educate the public and foster a more positive perception of law enforcement, through real-life videos. You can access it at: www.facebook.com/TruePolicing.

Darren Steele, Axon's senior VP of marketing, told *Force Science News*: "People love stories about cops. But even though there's no shortage of books, movies, and media accounts of police actions, there's rarely a chance to see things from the cop's point of view. It's easy to get a skewed perspective of what real, everyday police work is like. And although it's important for us as a society to shine a light on policing when it goes wrong, it's also important for us to recognize when it goes right."

“By showcasing and discussing body camera footage taken from the cop’s point of view,

dialogue that drowns out those who lack the desire to respectfully participate.”

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we’ll explore the good, the bad, and the ugly of policing in a civil, constructive way.”

THE HOPE OF “CIVIL DIALOGUE.” The company has begun to post videos that are already out in the public, having secured permissions to reuse them from agencies that generated them. As the project gains momentum, the hope is that the page will become somewhat self-sustaining, with agencies from across North America proactively posting their own videos and commentary for public viewing and comment.

Each will be accompanied by either the agency’s or a public safety expert’s perspective of what happened, why certain decisions were made, and exactly is going on in that footage.

Then, in the comments area, people will have what the company hopes will be “civil discourse” from a wide array of individuals, ranging from attorneys, academy instructors, private sector trainers, command staff, line officers, and of course, the general public.

The company is fully aware that the page will surely attract the “haters” and “trolls” who seem to have a stranglehold on just about any online discussion about law enforcement these days. But, Steele says, “our hope is that police and the communities they support will engage in a constructive

“NOT PROPAGANDA.” The intention is to offer a wide variety of videos that run the gamut of what cops encounter every day on the street—some positive, others funny, and of course, many controversial. Once the site is largely self-sustaining, with moderate monitoring, the content will be largely determined by the agencies that participate.

“This isn’t to be police propaganda,” Steele says. “These conversations can go in several different directions. As long as they are constructive and civil, we believe some healthy moments of inspiration can result from the dialogue.”

For additional information, contact: press@axon.com.

IV. Quotable quote

“Your body is a tool, the most important one you have. A baton is nothing, a Taser is nothing, even your gun is nothing if you give up on your body when it becomes tired, if you can’t hold it together when every muscle cries out for you to quit.”

—A PT instructor at the US Border Patrol Academy
From the new law enforcement memoir The Line Becomes a River: Dispatches from the Border

Written by Force Science Institute
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