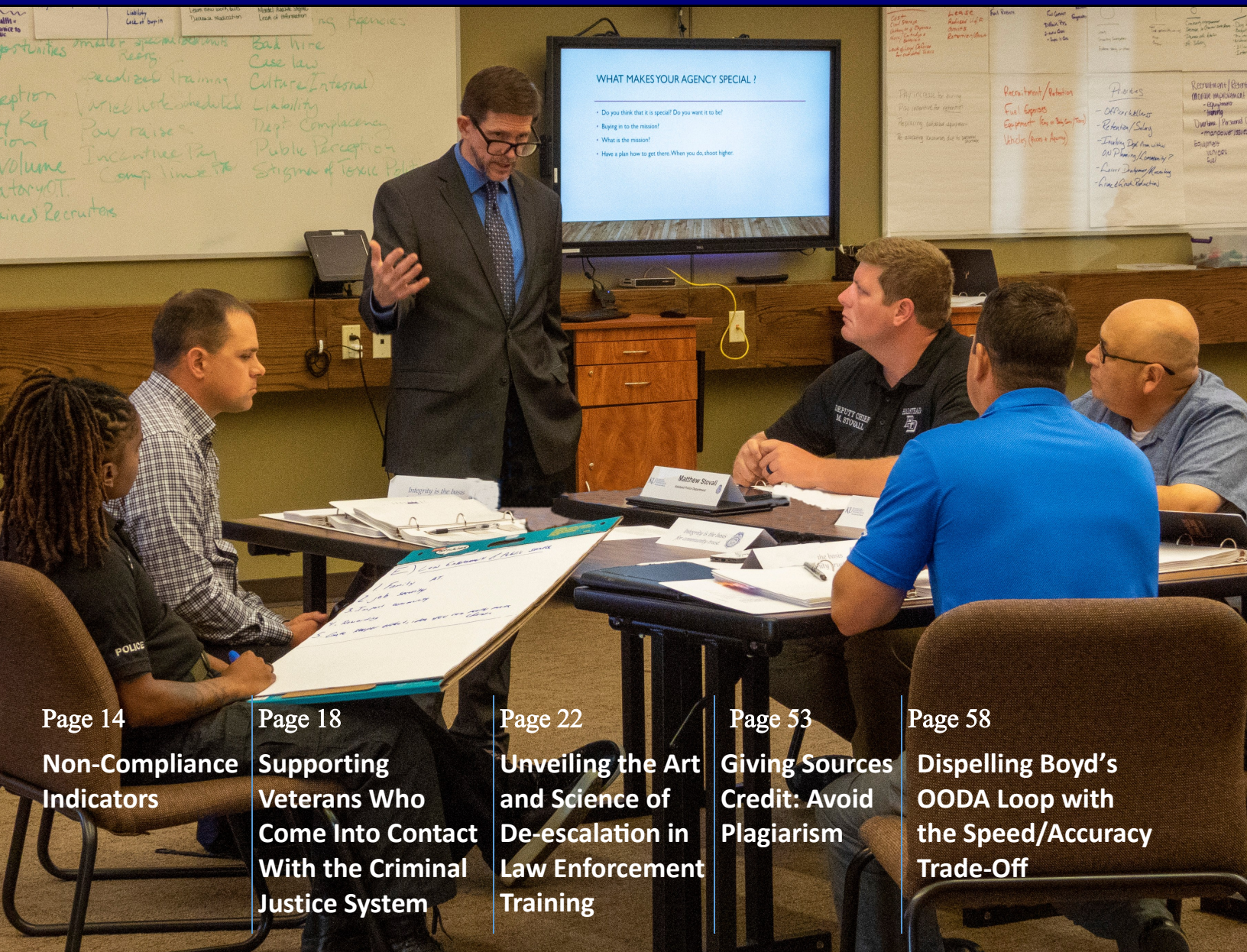
Standards & Training
DIRECTOR Magazine

International Association of Directors of Law Enforcement Standards & Training
IADLEST

December 2023

Measuring the Effectiveness of Academy Training



Page 14
Non-Compliance Indicators

Page 18
Supporting Veterans Who Come Into Contact With the Criminal Justice System

Page 22
Unveiling the Art and Science of De-escalation in Law Enforcement Training

Page 53
Giving Sources Credit: Avoid Plagiarism

Page 58
Dispelling Boyd's OODA Loop with the Speed/Accuracy Trade-Off

Non-Compliance Indicators

By Derrick Crews

Non-Compliance Indicators: Verbal or non-verbal cues inconsistent with compliance within the context of the officer-civilian interaction.

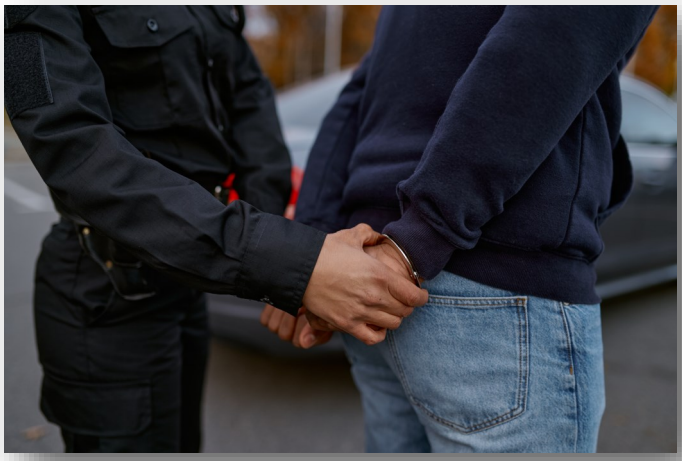
Introduction

Research and video evidence reveal countless attacks that can be completed in tenths of a second. Therefore, predicting human behavior is an essential skill for law enforcement officers to protect themselves and others. However, with predictions come the risk of errors, which the U.S. Supreme Court acknowledged when they established that an officer's actions must be reasonable, rather than flawless. Accordingly, it is the reasonableness of the prediction, rather than its accuracy, that determines its validity. How law enforcement officers train and document their perceptions and actions is vital to maintaining the upmost professionalism.

Non-compliance indicators are a more professional means to view a person's actions since they can be caused by criminal or non-criminal reasons. To view behavior as pre-assaultive cues, assumes a criminal intent, and does not take into consideration non-criminal actions. This perspective shift towards non-compliance indicators becomes particularly relevant when an officer employs force for non-criminal reasons, i.e., mental health or medical issues. By labeling these actions as non-compliance, officers communicate a more objective factual prediction based on observed behavior, rather than presuming it to be criminal.

Navigating Subjectivity: The Problem with Pre-Assaultive Cues

Law enforcement training often includes recognizing pre-assaultive cues or indicators, which are patterns of verbal and non-verbal behavior that signal potential aggression. However, the term "pre-assaultive" presents a challenge due to its inherent subjectivity. A simple example highlights this disparity: whereas law enforcement officers might perceive hands in pockets as dangerous, the public does not share the same apprehension. The clenching of hands or flailing of arms, although taught as pre-assaultive in training, has been found in peer-reviewed research to signify stress caused by non-assaultive reasons. Such as stress caused when an individual believes they are being treated unfairly based on social group stereotypes.[1] Overall, the discrepancy between the terms pre-assaultive and non-compliance underscores the need to align training practices with evidence-based research.



Non-Compliance Indicators: A More Nuanced Approach

The concept of non-compliance indicators provides a more precise framework for officers to evaluate behavior. These indicators encompass verbal or non-verbal behavior inconsistent with what would be expected in a compliant interaction. For instance, if an officer instructs a civilian to raise their hands above their head, and the civilian instead places their hands in front of them at chest level, it might indicate a fighter's stance to some. However, research suggests that the civilian's action could arise from heightened stress or unfamiliarity with such an interaction, rather than being related to aggression. Training to view behavior as non-compliance indicators recognizes a broader cause for certain behaviors, thus steering clear of assumptions associated with criminal intent. In other words, it shows that the officer does not view the individual as a criminal or non-criminal, but as a civilian who is simply not compliant based on the context of the interaction.[2] This also helps an officer focus on the context of where the behavior is occurring, often termed as the "totality of the circumstances."

Stress and Context: Deciphering Non-Compliance

When the sympathetic nervous system is activated, most humans will engage in some form of verbal and or non-verbal behavior. In law enforcement, this is commonly known as "fight or flight."[3] Stress is a key factor that causes this, yet the behavior could be nothing more than a symptom of what is causing the stress. Research suggests this can be caused by many reasons (fear and anger, to name two), and those reasons could be criminal or non-criminal.

Continued on page 15

Continued from page 14

Delving into the dynamics of stress-related reactions broadens officers' knowledge of the psychological and physiological factors at play, allowing for a more accurate field assessment and response. This understanding is pivotal to redefining the lens through which officers view behavior. It is no longer criminal or non-criminal; it is non-compliant behavior based on the totality of the circumstances.

Example: Use-of-Force Event

Imagine an officer detaining a suspicious individual. The civilian's behavior includes scanning their surroundings, intermittent staring at the officer, and arm flailing. This may lead an officer to interpret these cues as pre-assaultive. Based on the behavior, the officer tells the civilian to take a seat on the curb. The civilian takes a bladed stance, and his hands begin to clench. In response, the officer takes action to secure the individual, and rightfully so. In his report, the officer refers to such behavior as potential cues of assaultive behavior.

However, research underscores that such behaviors could stem from stress (fear or anger) triggered by the police interaction. The pivotal aspect is that the officer's priority is seeking compliance, regardless of whether the behavior indicates danger based on criminal or non-criminal reasons. By the civilian not sitting on the curb as directed, this is simply the final cue in the list of non-compliant indicators. Blading, clinching hands, and not sitting down provided the officer with a cluster of factual non-compliance cues to be reasonable in his prediction to secure the civilian.

The Inclusivity of Non-Compliance Indicators: A Holistic View

What sets non-compliance indicators apart is their inclusivity of both criminal and non-criminal behavior. Unlike the term pre-assaultive cues, they do not assume criminal intent. This perspective shift becomes particularly relevant when an officer employs force for non-criminal reasons such as a mental health crisis, juvenile force events, or medical issues. By labeling these actions as non-compliance, officers communicate a more objective prediction based on observed behavior, rather than presuming it to be criminal. This shift in thinking does not decrease officer safety!

Challenging Bias and Confirmatory Biases

The use of the term pre-assaultive cues may inadvertently introduce bias into an officer's perception, potentially influencing them to seek and confirm these cues. Consider what influences could occur when teaching the term pre-assaultive indicators to police cadets. By adopting the term "non-compliance indicators," officers or cadets learn to evaluate behavior within the context of the interaction based on seeking compliance. This could help minimize the risk of inherent bias. Using the term non-compliance indicators may help foster a more balanced perspective when predicting police-civilian encounters.

Precision and Clarity

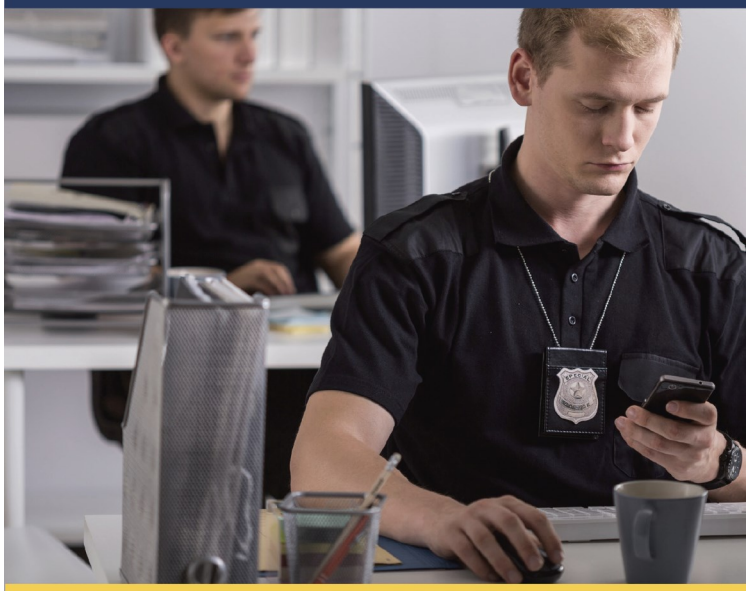
In the ever-evolving landscape of law enforcement, the adoption of evidence-based practices and research-aligned terminology is paramount. The shift from pre-assaultive cues to non-compliance indicators marks a significant step towards a more nuanced approach to behavior interpretation. As professionals committed to equal treatment and application of the law, articulating behavior through a non-biased lens could help make more accurate, reasonable predictions regarding a use-of-force event without compromising officer safety.

Continued on page 16

2023

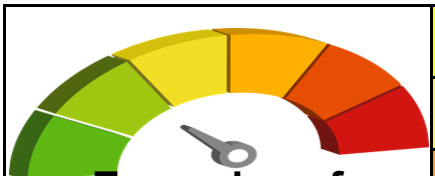
Law Enforcement Management and Administrative Statistics Post-Academy Training and Officer Wellness (LEMAS PATOW) Survey

Learn More!



The Bureau of Justice Statistics' LEMAS PATOW survey is underway. This survey is the first nationally-representative examination of post-academy training content and officer wellness services provided to law enforcement.

https://bjslecs.org



Examples of Non-Compliance Indicators

Movement inconsistent with a lawful command.
Movement direction opposite of a lawful movement command.
Statements made inconsistent with verbalizing cooperation.
Statements made claiming intent of not complying with a lawful command.

Research has concluded that there are five points of interest regarding non-compliance indicators:

I. This research is of significant value to law enforcement. Researchers note that when a person experiences the emotion of fear, certain behaviors can occur that mimic aggression. This is called stereotype threat, which can occur when an individual feels judged or perceived as being treated negatively based on belonging to a particular social group. Researchers found that the following behaviors may be caused by fear and not aggression:

1. Clenched fists
2. Scanning the scene
3. Fidgeting
4. Pacing, and
5. Clenched jaw.[4]

II. Researchers viewed 174 recorded arrests to identify the arrestee's behavior prior to being arrested. They specifically sought to determine whether taking a fighter's stance, invading personal space, placing their hands in pockets, clenching their hands, making hostile comments, pacing, glaring, looking around, and stretching their arms and neck were associated with non-compliance. They found that only four behaviors were statistically relevant to potential non-compliance:

1. Invading personal space
2. Taking a fighting stance
3. Clenched fists, and
4. Placing hands in pockets.[5]

III. Researchers sought to determine whether there were differences between law enforcement and civilian perceptions of non-compliance indicators. These behaviors included:

1. Invading personal space
2. Taking a boxing stance
3. Clenched hands
4. Stretching arms and shoulders, and
5. Exaggerated gestures.[6]

IV. Researchers published their findings regarding what behaviors adults view as indicators of violence (non-compliance). The top five behaviors associated with potential violence included:

1. Invading personal space
2. Taking a boxing stance
3. Making verbal threats
4. Clenched hands, and
5. Glancing around.[7]

V. Finally, researchers wanted to compare the perception of behaviors associated with noncompliance between law enforcement and civilians. The research involved both groups rating 23 behaviors based on their perceived level of concern after reading a given scenario. Some of the most concerning behaviors for the civilian group included:

1. Invading personal space
2. Taking a boxing stance
3. Clenched hands
4. Stretching arms and shoulders, and
5. Exaggerated gestures.[8]

Conclusion

In conclusion, the transition from using the term "pre-assaultive" to "non-compliance" is an advancement in law enforcement terminology. This shift provides the foundation for training officers on how best to recognize and articulate non-compliant behavior beyond criminal intent. Replacing "pre-assaultive" with "non-compliant" also embraces and encourages officers to consider the totality of circumstances, while never jeopardizing officer safety. Our profession needs to move past outdated methods. Verbal or non-verbal cues inconsistent with compliance within the context of the officer-civilian interaction are not pre-assaultive indicators. They are non-compliant indicators. ~

Sources

[1] Kahn, K.B., McMahon, J.M. & Stewart, G. (2018). Misinterpreting Danger? Stereotype Threat, Pre-attack Indicators, and Police-Citizen Interactions. J Police Crim Psych 33, 45–54. https://doi.org/10.1007/s11896-017-9233-1.

Continued from page 16

Sources (continued)

[2] Johnson Richard R. 2019. "Exploring the Validity of Behavioral Cues Predictive of Physically Resisting Arrest." *Journal of Police and Criminal Psychology* Volume 34 Number 2 (June 2019), 134–144. https://doi.org/10.1007/s11896-018-9280-2.

[3] Sweet, D. M., & Burzette, R. G. (2018). "Development of the Nonverbal Cues of Interpersonal Violence Inventory: Law Enforcement Officers' Perceptions of Nonverbal Behavior and Violence." *Criminal Justice and Behavior*, 45(4), 519–540. https://doi.org/10.1177/0093854817753019.

[4] Op. cit., Khan

[5] Op. cit., Johnson

[6] Op. cit., Sweet

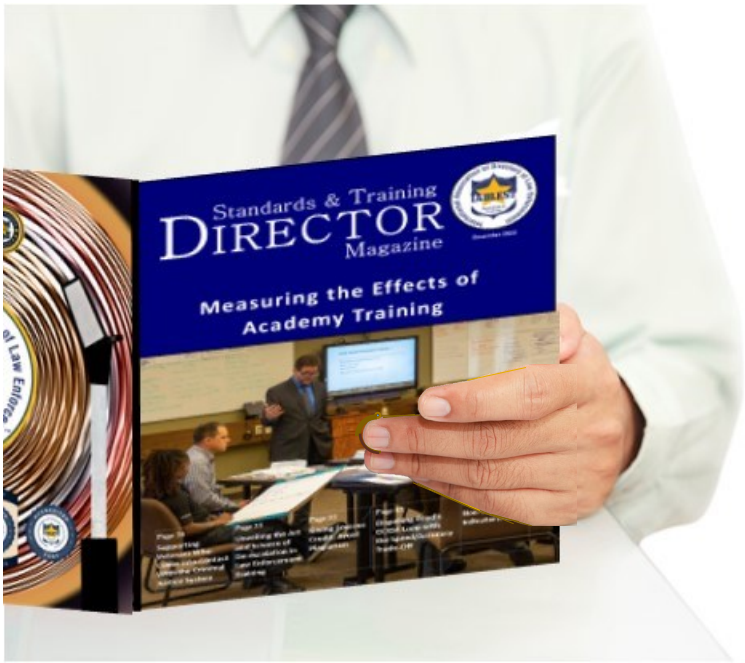
[7] Johnson, R. R., & Aaron, J. L. (2013). "Adults' Beliefs Regarding Nonverbal Cues Predictive of Violence." *Criminal Justice and Behavior*, 40(8), 881–894. https://www.ojp.gov/ncjrs/virtual-library/abstracts/adults-beliefs-regarding-nonverbal-cues-predictive-violence.

[8] Johnson, Richard. (2016). "Show Me Your Hands! Police and Public Perceptions of Violent Interpersonal Cues." *Journal of Police and Criminal Psychology*. Volume 32 Number 4 (December 2017), https://link.springer.com/article/10.1007/s11896-016-9221-x

Derrick Crews is a 30-year police professional. He is nationally recognized as a de-escalation instructor.

Mr. Crews can be contacted at Derrick@360policing.com.

Share *Standards & Training Director Magazine* !



IADLEST Standards & Training Director Magazine

https://www.iadlest.org/news/magazine

Share the web address of Standards & Training Director Magazine with your colleagues and subordinates. Especially, new instructors who are just learning their craft or need information about teaching and the topics they instruct to your criminal justice officers. It's a great opportunity to be a mentor to your friends and fellow coworkers.