Rethinking "Show Me Your Hands!"

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By Von Kliem, JD, LL.M December 16, 2020



Officers know that "hands kill" and that they should "watch the hands." These well-founded concerns are what prompt demands for suspects to "show me your hands!"

The irony is that an order to "show me your hands" or "take your hands out of your pockets" may invite the same movement from a compliant suspect as it does from an assaultive one. Meaning, compliance can look like pre-assault behavior—and pre-assault behavior can look like compliance. Neither is good.

Unfair Fight

In deadly force encounters, we know that action beats reaction, and that police are at a disadvantage when trying to identify and respond to pre-attack cues. This is because it takes time to perceive a suspect's movement, identify an object, interpret an action, decide on a response, and execute the response. While an officer is going through this "mental chronometry," the suspect continues to take advantage of the officer's delayed *or defeated* response.

We see this in our <u>traffic stop study results</u>, where officers were able to identify and react to an armed threat in less than .5 seconds but still took nearly two additional seconds to move, draw, and respond with aimed fire. Compare this to "suspects" from our previous research who were able to pull a concealed weapon and fire in an average of .25 seconds—with some firing at .15 seconds. $\frac{2}{3}$

To put these speeds into perspective, it takes about twice that long (.30 seconds) just for the brain to perceive and react to a visual stimulus. With these speed advantages, suspects could conceivably fire before the officer perceives any movement and could continue to fire ten or more rounds before the officer can return fire. Edged-weapon attacks can be even faster, with research showing knife thrusts at speeds of .10 seconds!³

Stop. Don't Move.

To avoid these disastrous odds, officers learn to recognize and value threat cues and suspicious patterns of conduct. They give orders and prioritize tactics that take advantage of time and space to reduce a suspect's ability, opportunity, and willingness to assault them. Simultaneously, they set conditions to help clarify a suspect's intent, which will play a large part in judging the reasonableness of the officer's response.

For those of you who analyze threats through the "intent, ability, means, and opportunity" framework, you'll likely agree that intent can be the toughest to discern. Unless a suspect expressly threatens an officer, officers are forced to look to the suspect's behavior and their willingness to comply with lawful orders to find evidence of their intent.

The challenge then is to give orders that create and maintain a tactical advantage while simultaneously creating opportunities to assess compliance. Simply put, it is more reasonable to infer a threat from a person's movement if you've told them not to move.

On the other hand, directing a person to show you their hands is inviting movement that strips you of a valuable threat cue. It can risk accelerating an armed confrontation before you've established a tactical advantage and, if they intend to assault you, leaves you virtually no time to identify or respond to the threat.

Compliance or Imminent Threat?

The difficulty in assessing intent is not limited to cases of concealed weapons. After shooting an armed suspect who had recently shot at the police, officers held the severely injured suspect at gunpoint. With the gun still visible in the suspect's hand, one officer ordered the suspect not to move, while a second officer ordered the suspect to "show me your hands!"

When the suspect moved his hand (still holding the gun), the second officer shot at him. Unfortunately, after the officer's order to "show me your hands," it was no longer clear whether the suspect's movement was evidence of an imminent threat or a desperate attempt

to comply. In either case, the cross-examination seems obvious: "You told him to move. He moved. You shot him."

Lessons Learned

"Show me your hands" orders will always be an option for officers seeking to confirm or alleviate their safety concerns. The goal is to ensure these orders result from deliberate tactical decisions and haven't become the product of thoughtless habits.

Selective attention and auditory exclusion remain legitimate concerns and can prevent the suspect and other officers from hearing or understanding directions. To mitigate these risks, training and team tactics should include clear commands that secure the suspect's attention, avoid contradiction with other officers, and eliminate confusion.

Most importantly, any decision to issue "show me your hands" orders must consider how speed and the inability to distinguish compliance from pre-assault behavior impacts officer safety. A quick search of the internet will yield a disturbing number of videos to help make this point. $\frac{4}{}$

- 1. Lewinski et al. (2012). The influence of officer positioning on movement during a threatening traffic stop scenario. Law Enforcement Executive Forum. [←]
- 2. Lewinski, B. (2000, November/December). Why is the suspect shot in the back? The Police Marksman. [←]
- 3. ld. [<u>←</u>]
- See the attempted murder of Estill, South Carolina Police Officer Quincy Smith (2016).
 [←]

30 Responses

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