

It's How You Say What You Saw

By Patrick Van Horne

There are few things in life more frustrating than having a decision second-guessed by someone who wasn't there. It does not matter if you are in the police, military, security, or in the business world, the questioning of our judgment by arm chair quarterback can be infuriating. On one hand, you are right in that the person questioning your judgment has at best only a limited view of the situation you were facing, the threat you perceived, the information you had access to, or the pace at which events were unfolding. It is easy to say that when people haven't walked in your shoes that they "just don't get it" and to discount their thoughts. But on the other hand, the reality of the world we live in is that we are always going to have people critiquing our actions. With cell phone cameras and 24-hour news coverage, it would be naïve to think that concerned citizens, action groups with a multitude of agendas, and politicians, are going to decrease the level of scrutiny on your actions and those of your superiors when a high profile incident occurs. At a conceptual level, there is a quote from Marine General Peter Pace that I like to mention when I hear conversations about the constraints imposed on our nation's protectors. When it comes to threats, I've heard the former Chairman of the Joint Chiefs say that, "If we can't change the environment, we need to learn how to operate more effectively within it." While the need to embrace the realities of a changing environment is an easy statement to make, I'd like to provide an option to progressive

officers and departments looking for new methods to regain the upper hand against the ever-adapting criminal.

In the last issue of ITOA News, I talked about "The Next Level of Tactical Awareness," and how the behavioral analysis program created in the Marine Corps can help inform law enforcement's efforts to proactively identify threats and criminals. The benefits of Tactical Awareness, however, don't end with the recognition of someone who warrants additional attention. Tactical behavioral analysis provides a vocabulary for police officers to articulate what led them to make decisions. The terminology is backed by behavioral sciences, ensures objectivity, protects against claims of racial or religious profiling, and can be learned in a relatively short amount of time. These characteristics aren't optional, but requirements of any behaviors taught and designed to stand up against common critiques of police profiling. In the 2013 *Floyd v. City of New York* ruling against the NYPD's "Stop, Question and Frisk" policy, the judge stated that it isn't enough for a police officer to have a non-specific suspicion or hunch about a person. It also wasn't enough to simply state that they saw "furtive movements" in "high crime areas," because, as the judge points out, those are "vague, subjective and practically meaningless." While the constitutionality of the policy continues to be debated in court, public perception is unlikely to change as long as subjectivity is present in police officer decision-making. Using the terminology of

tactical analysis can prevent claims of subjectivity.

Objectivity vs. Subjectivity

The question of subjectivity is an important component in protecting against claims of police profiling. To test your organization's ability to eliminate subjectivity, I recommend a simple test—ask "why." Why did you contact that person? Why did you draw your sidearm? Why did you think that handcuffs and physical restraint were required? Subjective answers, ones that are influenced by personal feelings, tastes or opinions, open the door to debate and critiquing because another person is likely to view that same situation in a completely different light. Objective answers, on the other hand, are ones not influenced by personal feelings, tastes or opinions when considering and representing facts. Behavioral analysis is designed to ensure this exact capability.

To take it down to a very granular level, let's say you stop a person for questioning and are asked why you decided to contact the person. When it comes to how we assess individual people, every single person can be assessed as being in one of four mutually exclusive clusters. Their behavior reveals that they are either dominant, submissive, uncomfortable, or comfortable. Since every single person falls into one of these four categories at any one time, your answer could be that the person was displaying discomfort—behavior that you might otherwise refer to as nervous, anxious, or "shifty." If you are to get asked why you believed

that the person was uncomfortable, you could list the following reasons.

- You observed the person displaying signs of pacifying behavior; behavioral cues that are displayed when people are trying to calm themselves back down.
- You can state that you observed the person displaying signs of elevated situational awareness,
- You can state that they were rocking back and forth as they shifted weight from one foot to the other.
- You could explain that these three nonverbal cues are indicators are manifestations of the body's flight response to stress and threats.

Those three indicators that led you to assess the person as being uncomfortable are ones that can be confirmed as indicators of discomfort through numerous articles of peer reviewed research. Those are indicators that can be confirmed through the video feeds of citizen journalists and video-surveillance systems. They aren't guesses or opinions, they are the uncontrollable ways that the body reveals that they are experiencing the flight response from the freeze, flight or fight responses to perceived stresses and threats.

You could explain that the display of discomfort— attracted your attention because your baseline for the area was people who were comfortable—those who weren't experiencing any threat response. You could explain that you made no assumptions about the cause for the discomfort, which would be very subjective and open to debate, but that you wanted to check to ensure that everything was okay with the person. Since the flight response might be generated if the person was being threatened by the group of people they were with, the initial stimulus that attracted your attention could be ensuring the safety of others. Remaining objective also means that you don't eliminate possible causes for the behavior as it could also be generated by their nervousness before the execution of a crime or because they have somewhere else they need to be and were in a rush to leave the area. This is starkly different than observing someone who was displaying discomfort and justifying your actions by saying that they looked "to be up to something."

While this is just one brief example, the objective behavioral assessments allow you to not only assess the people you are observing, but also define why those indicators are important based on the context of the environment surrounding the person. For each of the four primary clusters of behavior, you can learn to read the cues that lead you to assign someone to a cluster, the reasons why a person would be displaying the behavior, why those behaviors are often uncontrollable and universal, and how to confirm those assessments

through conversation. Most of the resources needed to accomplish this are provided, free of charge, in the article database at www.cp-journal.com and doesn't require anything other than time.

In Conclusion

At its core, one of the two goals of behavioral analysis is reducing risk. Despite what might get displayed in the news, the vast majority of society certainly doesn't think that police officers go on patrol looking for an excuse to use excessive force or single people out based on their religious preference, but when officers don't have the ability to articulate the reasons for their actions and the information that led them to make decisions, it creates the opportunity for outsiders to attack the intentions of those face-to-face with the public.

By training officers to read and assess the uncontrollable and universal elements of behavior, we can help them to fulfill the expectations that the public has for our law enforcement officers, empower them to be effective within the constraints placed upon them and ensure that racial or religious profiling is not entering the decision-making process. Learning to read behavior and mastering the process isn't necessarily the easy road. But if we are going to stop the criminals who are constantly evolving, adapting their techniques, and finding cover and concealment in public opinion shaped through social media, we have to learn to thrive within the constraints presented to us.

Get Left of Bang and Stay There.

About the Author

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