Intuitive Policing: Emotional/Rational Decision Making in Law Enforcement

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Decision Making in Law Enforcement

On a warm summer evening in the southern portion of the United States, narcotics officers were working the 1600-2400 hour tour-of-duty in a large city. The officers were conducting a "buy-bust" operation at an intersection known to be an open-air drug market. Five minutes earlier, two undercover officers had walked into the area and purchased illicit narcotic substances from several street dealers. The undercover officers then walked out of the area and broadcast the physical descriptions of the sellers to several units containing arrest teams whose job it was to canvass the area and locate the suspects. The illicit narcotic transaction had taken place at a large intersection where approximately 50-60 persons occupied the sidewalk area, presumably all involved in narcotic trafficking. The arrest teams consisted of three unmarked units occupied by three officers in each unit. When the unmarked units approached the street corner, the crowd of individuals immediately began dispersing upon observing the presence of the "jump outs." At this time, an officer occupying one of the vehicles observed a subject who matched the description of one of the sellers that was provided by the undercover team. The officer instructed the driver to stop the vehicle. The doors of the unmarked police car swung open, and the crowd of dealers began to disperse in a more hurried fashion. As the officer who spotted the alleged dealer began to yell to the other officers, identifying which of the suspects he intended to stop, another officer who was simultaneously exiting the vehicle, pointed to a different suspect. This suspect was approximately 30 feet farther down the sidewalk. The second officer began calling to his partners, as well as broadcasting on the radio, to "get the one in the red

shirt; he's got a gun." The suspect in the red shirt started to run down the sidewalk when he observed he was being approached from both sides by plain-clothes officers. Officers on both sides of the suspect had their weapons drawn and pointed at the suspect, who surrendered. The suspect raised his hands in the air and was immediately patted down by the officers. A .357 caliber revolver was removed from his waistband. This suspect was placed under arrest, handcuffed, and the weapon was secured by the officers. The remaining members of the arrest team continued to canvass the area. The suspects who had made the illegal narcotics sales were located, identified, and arrested.

While the officers were in the station house processing the prisoners and completing the necessary paperwork, the officer who originally identified the seller turned to the officer who spotted the gunman and asked, "How did you know he had a gun?" The officer who noticed the gunman hesitated for a moment and stated, "I'm not sure why; I just knew." The officer then finished processing his prisoner and sat down to prepare his statement of facts for presentation to the prosecutor's office. As the officer began to recall the facts and circumstances of the incident that justified the stop and pat down of the offender, he had to make a conscious effort to recall the observations he made that led him to the conclusion that the suspect was in possession of a handgun. First, the officer recalled that when pulling up onto the scene, the subject in possession of the handgun was sitting on the curb. As the officers approached and the crowd began to scatter, the suspect stood up and adjusted his waistband. Secondly, the weather was extremely warm and the suspect was wearing a long-sleeved dress shirt, with the shirttails hanging out. The officer also recalled that immediately upon rising to his feet, the gunman turned the right side of his body away from

the officer. As the subject began to walk in another direction and start to flee, he grabbed the right side of his waistband, as if securing some type of object. It was a combination of these factors that led the officer to correctly believe that the subject in the red shirt was armed.

These observations were made so rapidly that the officer experienced an "instantaneous recognition" of danger. However, he was unable to articulate these reasons to his fellow officers until after the incident was resolved.

How often does an officer observe a suspect and immediately "know" he's "dirty" or armed, or in possession of illicit narcotic substances? On these occasions, why are officers unable to articulate their accurate reactions that may be building blocks to reasonable suspicion or probably cause indicators? As importantly, why are these officers sometimes unable to articulate why they reacted in such appropriate ways that actually saved their lives or prevented an offender from assaulting them?

These observations and reactions are not limited to law enforcement experience or law enforcement officers. Current work in the neural sciences is replete with examples of individuals "perceiving" the need to act without first being consciously aware of why they were acting. In his book, *Emotional Intelligence*, Daniel Coleman tells of the story of a young man vacationing in England. This young man is walking along a canal when he comes upon a woman staring into a canal. He recognizes the look of fear on her face. But before he was consciously aware as to why, he found himself diving into the canal. It was only when in the water that he realized the woman had been staring at a child who had fallen into the canal and was in immediate danger of drowning. Thanks to his "acting upon impulse," he was able to save the toddler from drowning. Coleman asks, "What made him jump so quickly into the water without knowing why?" The answer, Coleman says, can

be found in the work of neuroscientist Joseph LeDoux.

The human brain is composed of three major, interrelated portions: the brain stem, the cerebellum, and the cerebrum. Dr. LeDoux's research in the anatomy of the brain and its emotions seems to point to what law enforcement officers have experienced since the first peace officer. We become aware of danger signals and are able to act on them without first being consciously aware of them.

Coleman synthesizes LeDoux's work in this particular area in the following way:

> In one of the most telling discoveries about emotions of the last decade, LeDoux's work revealed how the architecture of the brain gives the amygdala a privileged position as an emotional sentinel, able to hijack the brain. His research has shown that sensory signals from eye to ear travel first in the brain to the thalamus, and then--across a single synapse--to the amygdala; a second signal from the thalamus is routed to the neocortex--the thinking brain. This branching allows the amygdala to begin to respond before the neocortex, which mulls information through several levels of brain circuits before it fully perceives and finally initiates its more finely tailored response. (Page 17.)

Essentially, what Coleman and LeDoux are saying is that we often perceive danger signals and can begin to initiate responses to them before we are consciously aware of them. This preconscious recognition of danger and how we can react appropriately to it has been explained to the law public by several authors. One of the more notable authors is Gavin DeBecker in his book, ***The Gift of Fear: Survival Signals***. Mr. DeBecker has worked for many years advising corporate executives, media figures, and government officials

on how to recognize feelings of impending danger and react appropriately to them. DeBecker says:

> I've learned some lessons about safety through years of asking people who've suffered violence, "Could you have seen this coming?" Most often they say, "No, it just came out of nowhere," but if I am quiet, if I wait a moment, here comes the information: "I felt uneasy when I first met that guy...," or "Now that I think of it, I was suspicious when he approached me," or "I realize now I had seen that car earlier in the day." (Page 6.)

Mr. DeBecker then adds, "... if they realize it now, they knew it then." (Page 7.) Whether explained as an uneasy feeling, a gut reaction, "a cop's sixth-sense," or overlapping neural networks, the result is the same: we perceive danger signals that trigger alarms in our brain that set our body in motion. Often unable to articulate WHY we reacted or WHAT prompted our actions at the time of the event, we sometimes retrospectively can plot our actions based upon what had been clear and present danger signals.

Coleman explains this convergence of thought (cognitive explanation) and feeling (gut reaction) as the coordinated efforts of the emotional and rational brains: the convergence of the brain stem, the cerebellum, and the cerebrum. The rational brain is aware and conscious. It is reflective and ponders the consequences of our actions. The emotional brain is more impulsive and reflexive, acting upon stimulation from the environment in powerful ways that are designed to protect the organism from danger and harm.

Law enforcement officers work in a profession where their lives depend both on the recognition of danger signals and on taking action based upon those signals. Applying the work of LeDoux, Coleman, and DeBecker to the law enforcement arena gives us some insight into some of the "intuitive" or

"implicit" nature of their reactions.

Life-threatening, high-arousal, high-stress situations within the law enforcement officer's experience trigger the brain to stimulate the adrenal glands to secrete the hormones epinephrine and norepinephrine. The body is now engaged in a fight or flight action. As part of this reaction within the body, the memories of these circumstances become fixed in a part of the brain called the amygdala. When similar circumstances are presented in the future, the amygdala is stimulated and triggers the organism to react even before it is aware of the totality of the circumstances.

Academy training that is realistic, presenting trainees with pragmatic and practical situations, approaches the kinds of situations they will experience on the street. If the scenarios are realistic and simultaneously arouse the autonomic nervous system, they begin to develop a bond between situations and circumstances that represent potential threat and subcortical awareness of the limbic system, their fight/flight mechanism of defense. Upon graduation from the Academy, these officers are assigned to training officers on the street. Experienced, qualified, veteran training officers can reinforce these biopsychological responses learned at the Academy by having the young officers verbalize what they saw and what they felt following a high-arousal-incident, such as high-speed chases, calls for "man with a gun," "suspicious person" calls, etc. In-service training by officers and specially training mental health workers can further assist in helping the officers relate what they are feeling to what is occurring in the immediate environment.

Throughout this realistic and practical preparation in the Academy, on-the-job experience, and in-service training, several important processes are occurring. The high-arousal, realistic training is preparing the officers to

recognize the kinds of physiological reactions they can expect to experience during high-stress activities. This training also engages the neural wiring within the brain, already present in each of us, to react to certain threatening stimuli in the environment. By becoming accustomed to associating these feelings with their triggers and then verbalizing these feelings both in the Training Academy and during the on-the-job training, the officers become more able to recognize the environmental cues that are triggering the impulses to act.

It is unacceptable for an officer to testify that the reasonable suspicion used to "stop and pat" a suspect was a "gut feeling" or an "intuition." Oftentimes, to the defense attorney's delight, the officer will testify that the subject displayed a "furtive move" or was "acting suspiciously" without being able to articulate what these moves or actions were. But the reality is that what oftentimes "catches the officer's attention" is preconscious. Based on the officer's experience, the "furtive movement" was the offender dropping his hand under the seat of the car as he pulled the car off to the side of the road. The "acting suspiciously" was the offender tugging on the right side of his shirt that caused the officer to think "gun." By becoming aware of the processes that create these "gut feelings" or intuitions," and, practicing to recognize and verbalize these realities, presents the officer with accurate and verifiable reasonable suspicion, and/or probable cause that the officer is able to articulate.

In conclusion, this work in implicit or intuitive recognition and learning has several implications for law enforcement training and procedures.

Training Must Be Realistic

Realistic training goes beyond the classroom of the new recruit. In

most police academies across the nation, young officers are being trained in varying ways to become more aware of their environment. Once they leave the Academy, it appears that many of them leave this aspect of training behind with their "recruit uniforms." Once they "hit the streets," many officers seem to fall into a mind-set that tells them, "Forget what you learned in the Police Academy. You'll get the 'real deal' now." In many ways, the "real deal" is about to hit them without mercy. But if they forget some of the principles they learned in the Academy, the "real deal" might sneak up on them without their being aware of it.

The new recruit, as well as the seasoned officer, must make constant checks on his or her environment. They must continually and persistently conduct "reality checks" on themselves. They must recurrently and consciously tell themselves to: "Look around. Take note." They must constantly ask themselves the questions: "What do I see? What do I hear? What do I smell? What do I feel?"

In-Service Training must also include scenarios into which officers will be placed and, following an incident, be required to recall as many details, and their own feelings and thoughts that occurred to them as the incident took place. These feelings and thoughts can later trigger details of the incident that will be important for reports and testimony.

Supervisors Must Require Reflective And Detailed Reports

Supervisors must review reports of subordinate officers. During this review, it is incumbent upon the supervisors to assure necessary details are included in original or follow-up reports. If the details necessary to support the "stop and frisk" or "arrest" are not present in the report, the supervisor must require the officer to reflect on the incident and articulate what behaviors of the suspect caused the officer to focus his or her

attention on the suspect or vehicle, or crowd.

Post-Arrest Debriefing

Post-arrest debriefing should *not* be used as time to "get stories straight among the arresting officers." It can and should be used to process individual and collective experiences cognitively, reliving the experience so as to recall in accurate and supportable detail the reasons for the "stop and frisk" or arrest. It is during this time that officers must recall and record the specific actions and verbalizations of suspects, and, with these facts, support their own behaviors. There is a big difference between "getting stories straight" for testimony purposes and verbalizing the reflections of a collective experience that resulted in an arrest. Where the former is unethical and illegal, the latter is helpful to the individual officer, to the department, and to the process of justice and the protection of our communities.

DeBecker, Gavin. 1997. *The Gift of Fear: Survival signals that protect us from violence.* New York: Little, Brown and Company.

Coleman, Daniel. 1995. *Emotional Intelligence: Why it can matter more than IQ.* New York: Bantam.

LeDoux, Joseph. 1996. *The Emotional Brain: The mysterious underpinnings of emotional life.* New York: Thouchstone.