Understanding emotion as a strategy in policing

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Abstract
This article reviews neuroscience and cognitive psychology literature to understand how trauma and emotion impact policing and why some strategies are counterproductive by threatening police legitimacy. This review further illuminates the pernicious effect of stress in the policing environment, in both officer and citizen. Therefore, the article makes the point that the current focus on tactical training and the ‘warrior ethos’ diminishes community policing values, destroys trust, undermines respect and discourages cooperation while fostering resentment and hostility thus making everyday policing more hazardous. It argues that community policing strategies offer the only path for successful consensus policing in a democracy.

Keywords
Policing strategies, emotion, legitimacy, trauma, trust, community policing

Introduction
In his ‘Principles of Law Enforcement’ in 1829 Robert Peel elucidated the concept of policing by consent in a democracy. These included the need for public approval of the police and the maintenance of public respect, proportionality in the use of force, and preserving public favour by impartial service to the law. The concept that police officers are citizens in uniform as opposed to an occupying military force was made explicit. The police would be trusted as the legitimate law enforcement agency and this was to be achieved by adhering to procedural justice through the law and principles of fairness. It could be argued that in some communities in the United States this model of policing is no longer the dominant operating model. The consequences of this paradigm shift include calls to defund the police as the Black Lives Matter movement protests the use of lethal force by the police.
In order to understand some of the factors behind this shift it is necessary to adopt an ecological perspective that ‘emphasizes the interrelationships between individuals and the contexts in which they reside and the reciprocal, interactive processes occurring between macro- and micro-level contexts’ (Bronfenbrenner, 1979; Harney, 2007: 75). To do this the article begins by examining the emotional brain that is responsible for much of human behaviour and decision-making. Contrary to modern managerialism, rational behaviour is rare, at least in the real world. Emotion drives behaviour as it has always done in our evolutionary past. By understanding this process we can develop policies in policing that are effective and help communities be safe. This knowledge is already utilized in some elements of police work but not in any overarching strategic manner. For example, both de-escalation training and hostage negotiation skills are based on emotional needs. Similarly, community policing is built on the principle of establishing trust.

On the other hand, some trends in policing such as the growing militarization and rise of the ‘warrior ethos’ in policing can also be understood from an emotional perspective and the long-term negative outcome of such trends can be predicted. This trend is now particularly evident in the United States and this article focuses on this jurisdiction to illustrate the arc of policing development and the consequences of failing to understand the power of emotions.

The article acknowledges that policing is a dangerous profession and that it is unfair that many problems in society are left to the police to resolve which are beyond their remit or ability to do so. Issues such as a lack of mental health facilities, homelessness or poverty create the ecology that many police work in daily trying to help as many people as possible but with no enduring solutions. This creates stress and is only one of a number of stressors that are faced regularly. The management of this stress is often left to the individual officer. Likewise, some family units and communities generate stressful environments for residents and methods of coping include aggression to maintain a sense of self-respect. At the extreme end of behaviour, stress can generate trauma that exacerbates emotional responses. Police training needs to develop the understanding of the pernicious effects of trauma in both citizens and officers and the potential for below optimal outcomes in their interactions as a consequence. Policies and strategies need to understand that police legitimacy is about trust that is easily lost but very difficult to regain. It is nonetheless vital for creating safe communities and good police citizen relationships.

**Emotion**

Emotions are a part of our evolutionary heritage that help us survive. Together with simple reflexes, pain sensations, and homeostasis maintenance they provide scripted responses when faced with certain circumstances (Damasio, 2000, 2004). Some psychological literature suggest an *Appraisal Theory* of emotions with a requirement to have cognitive awareness precede emotion (e.g. see Niendenthal and Ric, 2017). Social Construction Theory suggests that emotions are learned through family interactions (e.g. Barrett, 2017). However, responses prepare the body to react to each circumstance in a maximally beneficial manner to avoid danger or take an opportunity, often
nonconsciously. The amygdala is an important component in the acquisition, storage, and expression of fear memories. It is important in establishing a conditioned fear response (Pavlovian), as is the hippocampus (LeDoux, 2000: 161). The evolutionary approach to emotions suggests that there is a hierarchical arrangement in emotions beginning in the evolutionary older parts of the brain and common to other animals (Panksepp and Biven, 2012). In such a paradigm, threats to physical safety are always privileged in the real world; an organism can survive missing a meal but cannot survive becoming one. Consequently, this interpretation suggest humans are always scanning their environment for threats, although usually under conscious awareness.

Panksepp and Biven (2012) describes fear as one of the primary-process emotions, which are located in the subcortical regions of the brain such as the brain stem region, hypothalamus and the basal forebrain. The periaqueductal grey is of particular importance as is the amygdala (Damasio, 2000: 60). Damasio himself uses terms of proto-consciousness, core-consciousness and full consciousness which more or less map on to Panksepp’s primary, secondary and tertiary processes. Both authors argue that once activated, emotions may register as feelings or the tertiary process in the higher cognitive neocortex when we become aware of our emotions. But emotions can respond to stimuli before awareness or remain entirely nonconscious. For instance, fear stimuli will activate the autonomic nervous system that controls visceral functions of the body (Porges, 2003). The consequences include the gut-wrenching sensations, pounding heart, and fast and shallow breathing in preparation of fight or flight (van der Kolk, 2015: 204). Therefore, it is fundamentally a bottom-up process from the lower and older brain regions to the more recent cognitive brain.

Ekman (1992) argues that universal facial displays of emotion suggest six universal basic emotions: fear, anger, sadness, disgust, surprise and joy. These are the systems that activate non-consciously. At a higher level of brain awareness there also exists social emotions. These include emotions such as guilt, shame or embarrassment (Burnett and Blakemore, 2009: 1294). These require some evaluation of social circumstances to be activated.

The Prefrontal Cortex (PFC) is the rational part of the brain and the dorsolateral PFC guides thoughts, attention and actions, while the orbital and ventromedial PFC regulates emotion (Arnsten, 2015: 1376). In humans, the influence of learning, traditions and culture all impart an ideographic or individualized personality built on this generic emotional foundation. Thus, our emotions become enmeshed with our cognitive processing and basic emotions are entwined with intentions and thoughts about the world, with the result that ‘our appraisals of the world can then engender feelings’ (Panksepp and Biven, 2012: 21). Consequently, any police training programme must factor in the power of emotional responses to influence all cognitive processing including learning.

Pleasant social company cause our brains to release endogenous opioids (Panksepp and Biven, 2012: 339). Therefore, our evolutionary hard wiring also causes us to tend to trust and feel comfortable with people who seem to be just like us. Strangers, or those who appear unlike us, can cause us to feel suspicious and threatened, while we feel anger, contempt and even sometimes disgust when people try to cheat us or take advantage of us (Haidt, 2012: 136). Other peer group member’s likes or dislikes therefore creates a
constant influence on our own behaviour. Social pressure is a powerful, if often unconscious, motivation to generate behaviour (Tajfel, 1982; Tajfel and Turner, 1979).

Our ability to trust members of our own group is based on important forms of social preferences such as betrayal aversion where trust is defined as an individual’s willingness to make themselves vulnerable to the actions of another (Fehr, 2008: 4; Fehr and Fischbacher, 2003). This definition differs from one that emphasizes the fulfilment of expectations or transactional trust. Trust is of particular importance if conflict arises as it can influence the acceptance of dispute resolution procedures and outcomes. Research has shown that individuals are more likely to accept outcomes, even if unfavourable, when individuals trust an authority’s motives and intentions (Kramer, 1999: 585). Therefore, the ability of police to overcome the nonconscious reluctance to trust strangers is vital to consensus policing. The understanding of these fundamental processes may help the designing and implementation of effective policing strategies. It may help police officers better understand the emotional processes underpinning the decision-making processes of citizens as well as their own.

**Decision-making**

Emotions are therefore a fundamental part of decision-making and our beliefs are the basic information that underpin these (Elster, 1999), which tends to undermine rational choice theories of behaviour. As a result, people are vulnerable to biases in their decision-making. Damasio’s (1994) studies of brain-damaged patients with damage to the ventromedial prefrontal cortex demonstrates that emotions define the decision options available in an environment where the mind must be selective about what information to pay attention to and what information to ignore. Everyday an individual or social perceiver has to make numerous judgements about intentions, attributing cause and responsibility, evaluating others or categorizing other people (Taylor, 1982: 190). However, humans are cognitive misers; who tend to avoid cognitive effort if possible and will usually default to emotional feelings in situations (Stanovich, 2011: 104). Generally, people use a mental shorthand of stereotyped beliefs to help make sense of the world (Shepherd, 2010: 4), built on a hierarchy of personal goals (Stanovich, 2011: 84). People then use mental shortcuts, or heuristics to solve many cognitive tasks such as decision-making (Stanovich, 2011: 7; Tversky and Kahneman, 1974). Heuristics allow many decisions to be made on the basis of simple cues that activate an automatic behavioural response.

This type of cognitive processing is referred as system one processing; system one processing is autonomous and rapid with automatic engagement on presentation of the triggering stimuli (Kahneman and Tversky, 1979). This processing includes behavioural regulation by emotions and the processes of implicit learning and conditioning through the secondary-process affect learning mechanisms (Panksepp and Biven, 2012: 20). As a consequence, many everyday decisions are simply habits and much behaviour is actually accomplished without paying close attention to the substantive details of the ‘informative’ environment (Langer, 1978: 635). These habits may be resistant to training, especially if it is assumed that behaviour is rational and all new learning is integrated objectively.
The automatic responses create scripts for behaviour but can be liable to overgeneralize the response to presenting stimuli and is but a faint approximation to an optimal response. Individuals may not properly calibrate degrees of belief and often allow their choices to be affected by irrelevant context, as well as their worldview. Therefore, our actions can be determined by those – such as advertisers – who create the stimuli that best triggers our shallow automatic processing (Stanovich, 2011: 30). Similarly, a police officer in tactical uniform will act as a different stimulus to one in normal uniform.

System two processing is slower and computationally expensive; it is a serial process so conscious effort is necessary to avoid interference. This is the analytic system of the higher level cognitive control and is a much more recently evolved cognitive ability (Slovic et al., 2004: 319). System two can, if engaged, override system one. Unfortunately, the analytical system is frequently merely used to produce a post-hoc rationalization that provides justification for the emotional decision taken (Haidt, 2001). It is also important to emphasize that intense primary emotions can impair higher cognitive functioning (Panksepp and Biven, 2012: 160). Moreover, a type two override response is not possible if the response has never been learned or if incorrect information has been learned (Stanovich, 2011: 102).

Heuristics can therefore lead to a number of biases in cognitive processing and decision-making. Attention is shifted to anything that is focal, perhaps because of vividness, salience, availability or recentness, which generates primary associates for that model. Indeed, most people are not ‘accustomed to thinking hard and are content to trust a plausible judgement that comes quickly to mind’ (Kahneman, 2002: 451). Another bias is confirmation bias, which is the ‘seeking or interpreting of evidence in ways that are partial to existing beliefs, expectations, or a hypothesis in hand’ (Mercier and Sperber, 2011: 63). The phenomenon of continuing to maintain one’s beliefs even in the face of contradictory evidence is known as belief perseverance, which is considered ‘one of social psychology’s most reliable’ phenomena (Mercier and Sperber, 2011: 65). Even judgements around risk and benefit can be evaluated from emotional affect, rather than separable knowledge sources (Slovic et al., 2004: 311). However, some situations can further exacerbate poor decision-making including stress.

**Stress and trauma**

Humans can adapt to most situations, and experience is important to development. Mild stress that is controllable encourages the development of resilience. A feeling of control over a stressful situation can serve as a protective mechanism even if that sense of control is often illusionary (Langer, 1982). However, when situations are ‘appraised as threatening and beyond the capacity to cope, emotional distress and physiological arousal fuel a variety of strong defensive negative emotions’ (Deater-Deckard et al., 2016: 445). Exposure to acute, uncontrollable stress impairs the working memory and cognitive abilities of the PFC (Arnsten, 2015: 1377; Vasterling et al., 2002). The amygdala activates within 50 milliseconds while the PFC takes 500 milliseconds so a threatening situation is normally calmed by the PFC response, unless it is impaired due to prolonged stress (Sapolsky, 2017: 416). Chronic stress in childhood may have a particularly
powerful effect on the structure of the PFC and cognitive functioning into adulthood (Arnsten, 2009: 419).

The presence of appropriately stimulating environments and care is particularly crucial in the first 2 years of life for normal neurological development (Eagleman, 2015: 12). Although not currently included in the DSM-5, Developmental Trauma Disorder refers to the ongoing, recurrent trauma encountered by children, frequently in their own home (van der Kolk, 2015: 166). In situations of early abuse children develop a disorganized attachment style and may display disruptive and rebellious behaviour (Green and Goldwyn, 2002: 836).

The effects of trauma on the brain include difficulties in learning that result in further trauma in formal education as these failings are attributed to stupidity (Perry, 2006). The subsequent reduction in size of the hippocampus means learning may always be a challenge (Sapolsky, 2017: 195). While exposure to severe childhood abuse (Adverse Childhood Events ACE) may not only predict learning and behaviour difficulties in children, as well as obesity, it can be so potent that it may be responsible in adulthood for tripling the risk of heart disease, quadrupling the risk of depression and other mental illnesses as well as reducing life expectancy by up to 20 years (Burke et al., 2011; Felitti et al., 1998).

Abused children or those who have endured other traumas may thus become sensitized to negative emotions and show constant awareness for threatening stimuli coming from the external environment and respond by the rapid recruitment of fight-or-flight defensive behavioural strategies. As a consequence, in encountered situations of stress, the impaired cognitive abilities means control passes to the emotional brain where the amygdala respond to the emotional salience of the situation and response is reflexive and biased towards habitual motor responding (Arnsten, 2009). The result is rapid but predominantly negative reactions to threatening situations.

This often leads to feelings of being on edge and being unable to focus, but being outside conscious awareness, these feelings are impervious to reason or understanding as they are generated deep in the brain (van der Kolk, 2015: 247). Children who have endured trauma are less empathetic to others as they appear less able to understand non-verbal behaviours such as facial signals displayed in another. Instead, there is an inclination to categorize negative facial expressions of emotions, such as fear and sadness, as anger (Ardizzi et al., 2016). Without professional intervention or modulating experiences, it is probable that such defensiveness remains throughout the life cycle. Consequently, trauma sufferers may interpret even a benign or neutral situation as a threat and over-respond emotionally to that perceived threat.

The environment may also produce discrete events that cause traumatic stress which if severe enough is labelled Post Traumatic Stress Disorder (PTSD). PTSD similarly can exaggerate subsequent stress responses and is associated with both reduced medial PFC activity and grey matter volume (Arnsten, 2009: 419). Although PTSD is only officially known as a diagnosis since 1980, the effects have been observed in combat troops since the First World War. It is the consequence of a traumatic event that the brain cannot process with the event itself replayed as nightmares or debilitating flashbacks. Symptoms include abnormalities in memory (e.g., intrusive memories, avoidance of trauma-related memories) and attention (impaired concentration, hypervigilance) and deficiency
in executive functioning as well as processing threat-related stimuli differently than neutral stimuli (Dolan et al., 2012). The effects of PTSD are not limited to the individual and the negative impact of rage, violent outbursts and alcoholism on family members can result in ‘secondary traumatization’ (Galovski and Lyons, 2004). As a result, the presence of PTSD in a parent contributes to the risk for depression and other increased anxiety disorders in their children (Yehuda et al., 2008). Some individuals can therefore be at greater vulnerability for an emotional and negative response to a situation of perceived threat. This means both police officers and civilians they encounter.

**Police stress**

Professionally, police encounter stress from three different sources: occupational stress, organizational stress and socio-ecological stress (Saunders et al., 2019). Occupational stress incorporates the fact that working a dangerous job that frequently involves traumatic events will leave its mark on the officer personally. Organizational stress results from having to perform in a hierarchical organization that is becoming ever more demanding. Socio-ecological stress results from the context of policing in a particular environment; this environment may be stable or constantly in flux. Officers may be respected and appreciated or conversely treated with disdain and abuse – where citizens in the community regard the police as having no legitimacy.

Individuals differ in their capacity to manage and deal with stress, a capacity known as resilience. Nevertheless, some incidents are so traumatic that a discrete incidence can result in PTSD; while prolonged exposure to recurring trauma even at a lower intensity can create structural changes in the way the brain handles stress resulting in PTSD like symptoms including hypervigilance and trouble focusing attention. Police officers are at risk of both trajectories as they respond both to critical incident traumatic events as well as recurring lower-level stressors. In 2018, 55 police were killed feloniously in the US and 51 died accidentally. As well as risking death, 58,866 police were assaulted resulting in 18,005 injuries in 2018. The official numbers do not count the instances of violent confrontation that did not rise to the threshold of a statistic.

As well as the direct impact of critical incidents, secondary trauma may result from working with traumatized victims leading to ‘burnout’, ‘vicarious trauma’, ‘compassion fatigue’ and ‘secondary traumatic stress’ (Foley and Massey, 2020). Many police are also military veterans so exposure to critical incidents are layered on earlier traumas (Heyman et al., 2018). The regular exposure to critical incidents is statistically significantly correlated with both alcohol use and PTSD symptoms. PTSD rates amongst police officers was estimated in one study at 35% compared to the general population of 6.8% (see Heyman et al., 2018: 11). However, it is difficult to accurately access suicides amongst police officers, partly because of the under-reporting of suicides, and guarded survey responses from police officers (Violanti et al., 2019). In 2017, it is estimated that 140 police officers committed suicide (Heyman et al., 2018: 20), compared to 46 feloniously killed. Generally, police suicide is almost 2.5 times the police homicide rate, with even higher rates amongst minority and female officers (Violanti, 2010). Alcohol abuse and domestic problems are also common in police officers, often linked to suicides (Violanti et al., 2019: 155).
Legitimacy in the socio-ecological environment

The goal of a police force should be to deliver effective and efficient policing through procedural justice and fairness (President’s Task Force, 2015: 52). This contributes to police legitimacy, which is the extent to which the public feels obliged to consent to and obey police authority and support the police, as well as noncoercive obedience to the law. The support of the community is an antecedent to law-abiding behaviour and compliance in the absence of police (Tyler, 2004). On the other hand, the over-enforcement of minor infractions combined with police misbehaviour and lack of procedural justice erodes trust in law enforcement (GLC, 2020). In general, the assistance of the public is critical to the success of nearly all police investigations (Brunson and Wade, 2019). Unfortunately, the efficiency of the police in solving crime is dependent on many factors outside the sole control of police. These factors include the extent of the public’s willingness to assist in police investigations; the type of crime mix in the area; the nature of individual crime types; and finally, the sociodemographic factors of the area where the crime occurred, which are often critical (Jansson, 2005: 15).

In Milwaukee, the assault of Frank Jude in February 2005 by police officers resulted in an almost 20% drop in 911 calls reporting crimes to the Milwaukee PD, mainly because of a reluctance in the black community to engage with the police. Such a backlash – known as the Jude effect – induces cynicism in the law and serves to ‘thwart the suppression of law breaking, obstruct the application of justice, and ultimately make cities as a whole, and the black community in particular, less safe’ (Desmond et al., 2016: 870).

Violent offenders may elude apprehension when legal cynicism makes it difficult for law enforcement to procure cooperative witnesses (Braga and Dusseault, 2018). This legal cynicism, particularly in socio-economically disadvantaged and high crime areas, is caused through frequent and regular negative interaction with police (Brunson and Wade, 2019: 642). As Brunson and Wade note many of these interactions may involve excessive use of force and may be personal or observed but result in low levels of trust in the police amongst the community. Interactions with the police can, over time, become incorporated into the cultural framework of the community (Kochel, 2017: 531).

A culture with high levels of community efficacy and ‘capable guardianship’ are predictive of lower levels of crime (Hollis-Peel et al., 2011). Community efficacy means living in a neighbourhood with high cohesion between residents (generally), where there are high levels of trust and informal social control mechanisms for resolving minor issues. Neighbourhoods with high levels of efficacy in turn promote trust of police and thus police legitimacy (Jackson et al., 2013). High levels of criminal activity and embedded drug activity result instead in weakened neighbourhood guardianship, which in turn depletes community efficacy further eroding community activism. While depleted community efficacy can be seen to be the result of poor self-generated community guardianship, the legitimate authorities can be perceived to have done little to stem the atrophying of pro-social community spirit. In such circumstances, the criminal element is permitted to become tighter, more organized and normalized in the local neighbourhood. Moreover, several studies have demonstrated that when police legitimacy is deficient in neighbourhoods, violence is more prevalent, even when accounting
for disadvantage, collective efficacy and prior violence (Kochel, 2017: 529). Consequently, police legitimacy has direct implications for neighbourhood well-being. Past experiences provide residents with expectations and a worldview with which to interpret interactions and create cynicism. Confirmation bias will tend to reinforce these expectations. In certain neighbourhoods, the onus may shift to self-help methodologies including being constantly armed and prepared to meet any threat. Retaliation is swift and necessary to maintain self-respect. This creates a spiral of emotional negativity and cynicism that makes people less likely to cooperate leading to further failings to solve crimes and less trust in the police as a force for good with noble intentions. Police may react with cynicism of their own.

**Organizational stressors**

Nevertheless, police performance is in itself an insufficient basis for gaining the cooperation of the public (Tyler, 2004: 86). Judgments about procedural justice are evaluated separately from assessments of police crime fighting effectiveness. Greater efforts to improve efficiency will have zero effect on trust of the police. In fact, without the cooperation of the public, policing efficiency is dramatically reduced leading to the conclusion that the trust of the public in the police is the more important consideration. Unfortunately, it is not easily measured while efficiency is a more easily established metric. As Skolnick (1966) observed many years ago, detectives were focused on clearance rates. All institutions consist of cognitive, normative and regulative structures and activities that provide stability and meaning to behaviour (Dowling and Pfeffer, 1975). The institutional logic can be based on underlying assumptions that are deeply held, although unexamined, that provide the framework within which all reasoning takes place (Schein, 2017: 22). Police organizations are no exception. Schein identifies culture as the deep level of basic assumptions and beliefs that are shared by members of an organization, operating unconsciously and defining in a basic taken-for-granted fashion an organization’s view of itself and its environment. Police organizations, however, can be particularly authoritarian hierarchical bureaucracies with a premium on compliance rather than initiative (Palthe, 2014). The organizational culture can thus influence officers’ interaction with citizens. A law enforcement agency that creates an environment that promotes internal procedural justice encourages its officers to demonstrate external procedural justice (President’s Task Force, 2015: 14). Alternatively, frustrations with both the organization and the perceived uncaring public may result in officers taking their frustrations out on those they serve (Workman-Stark, 2017).

Efforts to promote efficiencies have led to the introduction of managerialism. The striving to improve police response times, using crime management systems such as CompStat as well as private companies selling technological innovations all are implicated, although undoubtedly noble motives are pushing for improvements. These tools endeavour to manage the process of policing (Sparrow, 2018). Unfortunately, the unintended consequence is that once managerialism is introduced to judge organizational efficiency and value for money, it may devolve to the efficiency of individual officers. Clearance rates for crimes may still count but they become a subset of a more reliable metric such as return of work. As it is unrealistic to expect street cops to solve major
crimes, managerialism measures the lowest common denominator, frequently citations or tickets issued to the public. Sometimes this can even lead to the police department becoming an important source of revenue for a city council. This ultimately may erode the trust and relationships between a police department and the community it serves. A focus on one performance metric or an ‘end’, ‘if not matched by effective controls on means, can lead to behaviours that are unwise, risky, or illegal’ (Sparrow, 2016: 21).

As an illustration, the rioting and public order disturbances that occurred in Ferguson, Missouri in 2014, sparked by the shooting by police of 18-year-old unarmed Michael Brown, were in part a reaction to the erosion of trust in the FPD because of their focus on the generation of revenue. Ferguson City’s revenue in 2010 was $11.07 million of which $1.38 million came from fines and fees collected by the court. In 2011, the City’s general fund revenue of $11.44 million included $1.41 million from fines and fees. In the 2012 budget, the City sought to increase fines and fees by over 30% from the previous year’s amount to $1.92 million; the court exceeded that target, collecting $2.11 million. In 2013, the City budgeted for fines and fees to yield $2.11 million, which was again exceeded. For 2014, the City budgeted for the municipal court to generate $2.63 million in revenue. These drives resulted in directions to the FPD to aggressively enforce the municipal code (US Justice Department Report, 2015: 9). The pressures to aggressively enforce the code to generate City revenue influenced police behaviour resulting in discriminatory behaviour, shoddy police work and ‘a pattern and practice of constitutional violations’. Intentional bias placed a disproportionate burden on the African American community. The consequence was the loss of police legitimacy as ‘when police and courts treat people unfairly, unlawfully, or disrespectfully, law enforcement loses legitimacy in the eyes of those who have experienced, or even observed, the unjust conduct’ (US Justice Department Report, 2015: 80).

The paradox of safety

Felons who are wanted, those with outstanding warrants, and those actively engaged in criminality always pose a high risk to police, but even outside such situations, hostility can unexpectedly escalate. In 2018, there were 996 fatalities from police shootings, and this increased to 1,004 in 2019. The warrior ethos focuses on the war on crime. The paradox is that the greater the focus on the tactical training of police officers to respond to threats when interacting with the public, the greater the risk to the police officer as individual members of the public may interpret such non-verbal indicators as threatening. It is the brain’s emotional response to danger, and the individual may have a long-established script or automatic response in such situations. However, the tactical training that many police officers receive can be antithetical to effective communication and can escalate the threat level in the mind of the civilian. This in turn is interpreted as threatening by the police officer in an unfortunate spiral. Disengagement, including retreat is possibly the only de-escalation tactic in such a situation.

Unfortunately, police training is rarely scientific, often being based on misinformation and pseudoscience (Lilienfeld and Landfield, 2008). In the USA, training is heavily focused on tactical advantage to protect the officer and legal training. Beyond initial training, police work is more craft than science that is taught by experienced colleagues.
This craft encourages pragmatic solutions to problems. Sometimes these solutions may conflict with written instructions or laws; at other times there are no policies or laws available (Sharp, 2005). Consequently, a police officer will need to spend much time 'guarding one’s back' as rule violations are unavoidable (Sharp, 2005: 450). Camaraderie fosters loyalty and provides a sense of identity and self-esteem results from the group identity (Tajfel, 1982; Tajfel and Turner, 1979). There is also an expectation that group loyalty extends to watching each other’s back (Waddington, 1999). The basic assumption behind such social learning theory is that the same learning processes can produce both conforming or deviant and delinquent behaviour (Schein, 2017).

Therefore, training that emphasizes the potential for violent confrontation will generate common attitudes to heightened risks. Such training includes:

Officers need to maintain a position of advantage when dealing with any display of potential criminal or violent behavior. This is achieved by using cover and greater distance, with the presence of backup to gain a tactical edge. (Wemmer and Young, 2020)

Officers must maintain the proper mindset every time they put on the uniform. Understanding that every situation could result in an assault gives officers the upper hand. (Wright, 2014)

Other training focuses on the need to have a killer mindset, the willingness to take a human life. This emphasizes the ‘warrior ethos’ where crime fighting is violent confrontation (Balko, 2017). One police trainer alleges that police officers must shoot earlier than common sense would assume, such is the speed at which suspects can draw concealed firearms and shoot (Apuzzo, 2015). Combined, this training focus creates an ever-present consciousness of a firearms threat and one to which officers are likely to aggressively overreact to even innocent actions. The probability of a black unarmed man being shot by police is 3.49 times the probability of a white unarmed man (Ross, 2015). In addition, a survey of 20 city police department use of force policies found that not one fully met the minimum standards established by human rights law (University of Chicago, 2020). The need to establish tactical advantage becomes routine and overused, resulting in potential escalation, escalation that was begun by the police not the subject. It is critical not to deny the importance of frequent reality-based scenario training where the trainee experiences shock, startle, and surprise as part of a comprehensive training programme. It is imperative, nonetheless, that tactical awareness and positioning does not become the default setting in police-public interactions. Communication and rapport cannot be developed through maintaining distance, a combat stance, and shouting orders.

Compounding this type of training is the militarization of the police with the adoption of surplus US military hardware – much of it designed for anti-insurgency warfare – into mainstream policing. This deliberate strategy is overseen by the Law Enforcement Support Office under the 1033 programme of the National Defense Authorization Act 1997, through which $7.4billion of equipment has been transferred since the programme’s inception. This includes combat fatigues, long arms, grenade launchers, and armoured mine-resistant ambush-protected vehicles. One study concludes that the increased availability of military equipment encourages a military mindset and tactics that lead to higher levels of aggregate police violence (Delehanty

(Willis, 2013).
Its use further exacerbates already tense situations in racially charged policing and research indicates militarized tactics are deployed more frequently—even routinely—in African American communities. Moreover, such strategies are shown to be ineffective at reducing crime and only serve to tarnish further the reputation of law enforcement (Mummolo, 2018).

Such tactics heighten tensions and hostility towards police officers as emotional reactions. Good communication skills are not necessary to get compliance. Coercion is very effective at ensuring compliance with instructions but coercion will not generate trust, reciprocity or cooperation. People react negatively to coercion (Brehm and Brehm, 1981). Therefore, disrespectful behaviour from the police ultimately only encourages noncompliance (Tyler, 2004: 92). The paradox of safety is while officers may feel safer utilizing military vehicles or aggressive defensive tactics the long-term consequence is that more people will behave aggressively and not cooperate with police officers, thereby increasing the threat of violence. Legitimacy is reduced and more aggressive responses are necessary in an escalating spiral.

De-escalation strategies

An alternative strategy is using de-escalation as the minimum amount of force necessary, preferably even obtaining voluntary compliance to police instructions. Introduced following recommendations in the President’s Task Force (2015: 20) the objective is to use de-escalation and alternatives to arrest where appropriate. The principles include treating citizens in a respectful manner, the ‘human’ tactic of getting on the citizen’s level and reducing power imbalances, and the ‘honest’ tactic of being up front about the facts (Todak and James, 2018). Officers maintain calm and thus avoid displays of aggression. Listening to the person, being willing to compromise, treating citizens with dignity and respect, minimizing authoritative, condescension and ‘cop talk’ all facilitate communication and compliance (Todak and White, 2019: 838).

This serves to create rapport that is the connection between individuals to establish communication. Essentially, rapport is about creating an atmosphere of open communication through establishing trust, respect and empathy. The necessity for building rapport is well established and is an essential component in successful therapy (Miller and Rollnick, 2002). Similarly, in hostage negotiation the rapport technique used is to establish credibility through a combination of expertise, knowledge and goodwill (Wells, 2015: 152). In effective police interviewing, it is well known that techniques like showing concern about the welfare of the interviewee help build bonds of empathy and rapport as an atmosphere of trust is necessary before they will communicate the investigation information they possess. Even in suspect interviews modern techniques emphasize the importance of establishing rapport to obtain cooperation (Alison et al., 2013).

To be effective, rapport is about creating a sense of collaboration or common purpose and avoiding confrontation. On initial meeting a new person the body will assess safety first. First impressions at first contact are therefore critical in creating an environment in which to communicate and have a lasting effect. Therefore, the ability to communicate requires more than language, and non-verbal behaviour is critical in rapport. Non-verbal displays of aggression or hostility will be registered before the conscious brain is even
aware of the threat. High levels of anger or frustration can bring dissonance at the outset of the process. The use of hand gestures, touching, posture, body adornment and gait all provide enormous non-verbal communication that can amount to up to 65% of interpersonal communication (Navarro, 2008: 4). The face is the best reflection of the internal emotions (Ekman, 1992, 2003). Facial expressions provide access to another’s feelings and can act as triggers of empathy (Schulte-Rüther et al., 2007: 1354). In face-to-face engagements the way you dress, posture, a smile, good eye contact, and referring to the person by name all create bonds of familiarity and assist in establishing rapport and trust. Rapport is not just what is said; it is the way it is said. The prosody of voice is an important element in creating the link in the relationship. The friendlier and more variable the prosody the less threatening it is (Culpeper, 2011). The careful framing of language or in conveying information keeps the person in the automatic condition and engaging his or her cooperative script (Langer, 1978: 641). Being willing to take the time to ask questions and be interested in the answers is the simplest communication skill. People appreciate being listened to, even if the outcome is not favourable towards them; evidence of police ‘objectivity and objectivity enhances perceived fairness’ (Tyler, 2004: 94). It requires time to do that however, and organizational expectations may not be conducive to granting that time. The return on investment of that time may pay dividends for years to come nonetheless, so urgency in dealing with calls are often counterproductive.

Community policing similarly utilizes the skills of rapport and communication to establish long-term positive relationships between police and the community.

This creates not only relationships but more effective policing. Camden PD offers an example of the effectiveness of community policing. In 2013 the reconstituted Camden police department focused on community engagement and as a result violent crime in Camden fell by 24% and homicides had almost halved by 2015. Law enforcement in Camden was approached through a paradigm of ‘guardians and partners protecting community well-being, instead of warriors fighting against law-breakers’ (GLC, 2020: 60). Other efforts include the Police Executive Research Forum that has developed ICAT, which is a method of defusing critical incidents, especially with people experiencing mental health issues and involves a critical thinking model with the sanctity of human life at its core, so lethal force is the very last option.5

**Conclusion**

Community policing is not a panacea for all problems faced by policing, but consensus policing cannot thrive in situations of fear or associated concepts such as domination. Efforts to improve efficiency and police performance through metrics, professionalizing the police, incorporating military hardware and tactics create an illusion of effectiveness
but are creating an atmosphere of growing distrust, a them-versus-us mentality, a separateness between police and their communities. There is a need for less of the warrior ethos and more of the serving the community ethos. Trust is easily lost but notoriously difficult to rebuild once lost. The emotional brain is not logical and it evaluates on the basis of feelings; the choice is one of feeling safe with local police officers or feeling threatened by their very presence. Police need members of the public to make the calls to alert them to criminal activity and as importantly, police need publicly spirited community members to step forward to give evidence in trials. Police legitimacy is a fragile commodity but public support is essential for a consensus-policing model. Without this critical assistance, policing becomes an uphill struggle with a rapid deterioration in effectiveness, both perceived and real. These influences can create a stressful working environment for the individual officer and for the community he or she serves. It makes policing more dangerous. But it is not a paradox that an officer’s personal safety should conflict with the vulnerability needed to build trust that in turn builds safe communities. These are all emotional concepts. In a democracy, policing must focus more on encouraging public support through trust building, less on preparing for war.

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**Notes**

1. Every dollar spent on high-quality, birth-to-five programmes for disadvantaged children delivers a 13% per annum return on investment including less criminality, improved life outcomes and reduced community violence (García et al., 2016).
2. FBI LEOKA Report 2018 available at https://ucr.fbi.gov/leoka/2018.
3. The Law Enforcement Suicide Data Collection Act was signed into law by President Trump on June 17, 2020 with a view to implement prevention programmes as well as collect data.
4. Available at https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/.
5. Available at https://www.policeforum.org/icat.

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