

Attack Risk: The 3 R's (Recognizing, Responding & Reporting)

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Abstract

Police, by virtue of their experience dealing with violence are unique in their ability to recognize and respond to an imminent or immediate risk of violence. Reliable and thorough discussion of judgments, the basis of those judgments and the responses taken by officers will promote the rapid recognition of an attack risk, improve memory of events, as well as insure better judgment and appropriate action in the future. Training and further research focused on police officer recognition, response and reporting behaviors with regard to a variable attack risk is necessary. Potential outcomes include improved officer and public safety, better management of personal and public liability, more effective prosecution, better community/police relations, improved officer health and emotional well-being, as well as a providing a greater sense of accountability to the public when there is a use of deadly force.

Key words: attack risk, violence risk, threat assessment

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Police officers face life-threatening situations in which they have only moments to act. They also face situations in which they must react instinctively and then hope their actions were appropriate and they can live with the consequences. Police, by virtue of their experience dealing with violence, are unique in their ability to recognize the risk of an attack. Recognizing when people represent an imminent or immediate danger, or an "attack risk" is critical to officer safety and the safety of others. It can make the difference between the safety of an officer, serious injury, or the loss of life.

Police must not only identify threats to their own safety, but the immediate safety of others. Managing and diffusing people who are potentially violent requires the officer to recognize the attack risk and then take action. The time from recognition to action can be a matter of seconds or minutes.

Recognizing a risk of violence requires an officer to respond. When officers respond, they may observe the situation further, investigate, or

take immediate actions to reduce that risk. The difference between an immediate and imminent risk is difficult to define. An immediate risk of violence involves a situation where a subject is capable and threatening immediate physical harm. In these cases, the subject has both ability and perceived intent. Most police-subject encounters do not involve an immediate risk, but rather a risk that is imminent. An imminent risk of violence involves a situation where the subject represents a risk of attack, but their ability or intent is not immediate. There is an apparent progression of behavior that is escalating toward an immediate threat or escalation toward violence.

Recognizing the difference between a risk of violence that is immediate or imminent is easier in retrospect, and difficult when an immediate response is necessary to manage, diffuse or eliminate that risk. In most cases, an officer's assessment of an attack risk is automatic, based on the unique circumstance of a situation as it unfolds, and may not be conscious at the time action is necessary. When there is a significant

risk of physical harm or loss of life, the actions taken by an officer in response to a threat may be the same regardless of whether this risk is deemed imminent or immediate.

The process of recognition, investigation and the actions taken may also produce information and evidence crucial for subsequent prosecution of subjects, as well as managing public and personal liability. The full extent of what police officers recognize and consider when facing a subject five feet away, or even twenty feet away, is not usually clear or apparent to citizen bystanders. This fact alone can confuse the public and leads to misunderstandings regarding the necessary actions taken by officers.

While officer can be very accurate in recognizing the risk of an attack, many officers have experienced difficulty documenting the full extent of their observations and their actions following high risk and violent calls. Full and accurate memory is even more difficult when events unfold rapidly.

There is little question that police are increasingly expected by the public to legally and professionally articulate the basis of their actions when dealing with potentially violent people. There are three critical questions at the heart of these expectations.

1. Did the subject pose an immediate and significant risk of attack or violence?
2. Can the evaluation of that attack risk be articulated?
3. Were the actions taken by officers valid and reasonable?

The answers to these questions are critical to public safety, prosecution, managing personal and public liability, safeguarding the officer's health and emotional well-being, and ensuring the officer's career and life is not ruined. When police do not answer these questions, public opinions are formed on the basis of appearances and incomplete information. Potentially successful prosecutions can fail and civil suits against officers and their departments can ensue.

Police officers, by their contact with people who become violent, gain real life experience recognizing the risk of an attack and violence. Years of experience observing and dealing with people defines the seasoned officer who possesses a unique knowledge about human behavior during police encounters. Bystanders, who do not have this experience or knowledge, have great difficulty appreciating the risk of violence that officers must quickly recognize, manage and defuse.

When an officer must use force, we might wish that decision could be supported by research on interpersonal violence and aggression. Unfortunately, published research on violence involves theories that are incomplete and do not address the issue of an immediate attack risk in a comprehensive and practical manner.

Historically, the focus of psychological research has been on identifying the risk of future violence for purposes of sentencing, rehabilitation, treatment, parole, probation and guiding public policy. Researchers have focused on predicting the risk of violence in the future and not issues of concern to an officer facing potentially dangerous people, writing reports, or giving depositions and ultimately testimony in a court of law. No comprehensive effort has produced the necessary tools that would allow police to reliably and validly debrief and document the basis of their actions taken in response to a threat of violence.

An extensive review of the literature in national and international data bases were undertaken in conjunction with 700 hours of field observations, as well as studies of 80 video taped training exercises and discussions with police officers in Portland, Oregon. A framework for understanding and training in attack risk was developed. The framework was then reviewed by street officers, field supervisors, police administration, as well as district, city and private attorneys. A checklist of predictors of an immediate risk of attack was organized for training purposes and use in the field. This checklist was then subjected to field trials in law enforcement, private security and

with other professionals who deal with potentially violent subjects and patients. A survey of 21 officers indicated that officers believed the checklist increased their ability to recognize an attack risk and improved their ability to document and articulate the basis of their actions.

Predictors Of Immediate Risk

The type of call. Police must gather and consider information from multiple sources and perspectives. In most cases, the first available source of information and predictor of violence is "the type of call." The type of call is a predictor that both describes and characterizes a call in general. There are eight predictors that characterize a potentially high attack risk call.

1. Subject(s) with weapons or implements of destruction
2. Fights, assaults or aggressive behavior
3. Subject(s) barricaded or avoiding capture
4. Family or domestic disputes
5. Intoxication or drug use
6. Hostile groups, gatherings, demonstrations
7. Mentally ill subject(s)
8. Suicidal or homicidal behavior

There is no absolute order of these predictors that rank calls from highest to lowest risk. However, the more of these predictors, the greater the risk in general. For example, calls involving a domestic dispute would have a lower attack risk than if the subjects were also intoxicated and weapons were known to be present.

"Reads" (appearance and behavior). The type of call does not fully describe the immediate attack risk nor is it a reliable predictor alone. When the type of call is based on unconfirmed or unreliable sources (e.g. a 911 call), the type of call is not sufficient. Further evaluation and information are needed. Upon arrival to a call, officers attempt to confirm the nature of the call, but they will also observe and interpret the behavior of the people present. Officers will

sometimes refer to this as "reading" a situation. No matter what type of call, an officer's actions will be guided by the conscious and unconscious impact of his or her observations (i.e. "their read").

The appearance and behavior of a subject can be a highly valid and reliable means of identifying, predicting and describing the immediate risk of violence. There are three categories of predictors that officers consider about a subject's behavior and appearance.

4. Visual
5. Verbal
6. Changing behaviors

Visual predictors can be specifically identified by observing the subject's head, face, eyes, neck, hands, body movements, general appearance and patterns of behavior in a group of people. Verbal predictors include sounds and statements which relate information in terms of what is actually said, but also how it is said - the corresponding rhythm, rate, pitch, and volume. For example, a high risk situation might be one that involves a disheveled person with impaired balance who is repeatedly interrupting and demanding in a loud voice that people get back. His eyebrows might be furrowed and he is standing in a combative posture with his hands clenched while making repeated target glances toward the officer's holstered weapon.

How a subject's behavior changes or progresses can be associated with an increasing or decreasing attack risk. A more frequent display of reads or increasing number of visual and verbal predictors can indicate an increasing risk of attack. Likewise a decreasing number may indicate a decreasing attack risk. However, there are patterns of behavior in which the number of visual and verbal observations are decreasing and the attack risk can be increasing. Finally, there are specific progressions, or sequences of behavior, which are clearly associated with an increasing and immediate risk of attack risk.

Examples of progressions include situations where eye contact is indirect and becomes more

direct, eyebrows become furrowed and hands become clenched with evidence of whitened knuckles. A subject's behavior might progress to the use of profanity with increasing loudness, begin pacing from side to side, and then move back and forth in an approaching and retreating manner toward an officer. This would reflect a progression of behavior in which the attack risk is significant and increasing. An abrupt change from more active behavior to one of immobility, unresponsiveness and a "reptilian stare" would indicate an increasing risk, not a decreasing risk.

Triggering Influences. In managing and diffusing potentially dangerous situations, police attempt to manage, control or eliminate influences that may "trigger" or reduce the threshold for violence. Triggering influences increase the risk of attack or violence. At the same time, managing, reducing or eliminating triggers can reduce the risk of attack. There are three types of triggering influences.

1. Situational
2. Chemical
3. Medical and mental health

Situational triggers include environmental conditions and the behaviors of bystanders and other disputants present. Situational influences can usually be managed directly by the arriving or cover officer's actions - and thereby reduce the risk of attack. The presence of potential weapons, hostile people nearby who are harassing or threatening a subject, and even loud noise that over stimulate or impair communication can increase the risk of attack. Each time a trigger can be managed, reduced or eliminated, the attack risk will be consciously or unconsciously reassessed by the officer. How subjects react to an officer's response will dictate what officers do next.

Chemical triggers include drugs and other chemical agents that increase the potential for violence and increase the risk of an attack. Chemical triggers (drugs & alcohol) are sometimes referred to as "hair-triggers". Situational triggers are external influences on a subject. They come from his or her

surroundings. Unlike situational triggers, chemical triggers are internal biological influences that cannot be physically or directly managed by police. Time, detoxification, or medical attention is often necessary to reduce the risk of a chemical trigger. Alcohol, cocaine, amphetamines, PCP or volatile inhalants (e.g. glue) are chemicals that may trigger violence in a situation where a person might not otherwise be violent. Side effects and adverse reactions to medications, industrial chemicals or pesticides can trigger aggressive and violent responses.

Finally, the subject's mental and medical health status can increase the risk of attack. Untreated medical conditions, emergencies or psychological disorders may produce delusional states, hallucinations, impaired thinking, or changes in mood that impair judgment and reduce impulse control. For example, head injuries, severe infections, post-seizure confusion, pain, and metabolic disorders such as uncontrolled diabetes may temporarily alter a subject's mental and emotional state. The resulting behavior and interaction between the subject and police can escalate behavior that leads to violence.

History and Background. The history and background of a subject is an important source of information and can tell you a great deal about the immediate risk of attack or violence - especially when other predictors are present. There are four categories of predictors regarding a subject's history and background.

1. Recent aggressive or violent behavior
2. Past history of aggressive and violent behavior
3. Social stress and background
4. Mental health history

Information regarding a subject's history and background may be available or can be obtained by the arriving officers (and field supervisors when they arrive). In many cases, the best single predictor of violence in the future can be discerned from the subject's past history of violence. The immediate risk of an attack is greater based on a subject's pattern of violence

and if there has been a recent history or episode of violence. An extensive history of violence that is increasingly violent, combined with a lethal trend, is a strong predictor of future violence, especially when the subject is confronted with similar conditions (such as a police response). If that same individual has just attacked someone, or we have information that confirms a very recent attack, there is an even greater risk of attack.

Information regarding a subject's social history and the stress in his or her life provides information regarding events that are associated with aggression and violence. Social stress and background can include a recent or long history of problems. Conflicts and emotional pressures in a person's background will contribute to impatience, increased frustration, anger, aggressive tendencies or the possibility of resorting to violence as a solution. Loss of employment, legal entanglements, violent peers, a poor social support system, or a divorce involving a child custody dispute are examples of situations in which there may be unresolved emotional pressures and a risk of an aggressive response.

For many years, researchers have suggested that mental illness is not significantly associated with crime and it does not present a significant risk of future violence. The results of these research investigations have been contrary to the experience of many police officers who are brought into contact with subjects having an untreated or history chronic mental health problems. Until now, there has been no research that accurately observed and examines what police respond to and why. Prior research conclusions are anecdotal and rely heavily on incomplete court documents and police records meant for other purposes. Research is only now beginning to observe and recognize the possibility of what many police have observed. A history of mental illness is associated with a future risk of violence as well as an immediate risk of violence.

Mental illness such as schizophrenia, manic-depression, mood disorders, other psychotic

disorders, as well as some personality disorders are sources of stress and are risk factors - especially when other attack risk behaviors and triggers are present. Borderline, antisocial and psychopathic personality disorders are commonly associated with a risk of violence. Borderline personality disorders are frequently associated with self-mutilation and suicidal behavior. Females with borderline personality disorder characteristically have destructive interpersonal relationships and in many cases will inspire violence on the part of their "significant other" males.

Of great concern is the combined impact of mental illness and drug use that can produce bizarre and unpredictable behavior. For example, the impact on impulse control from the use of drugs such as LSD and the disorganizing effects associated with psychotic mental illnesses contribute to the attack risk and reduce the likelihood of control and compliance. Individuals with mental disorders as well drug and alcohol abuse have been associated with a form of "suicide by cop". These subjects will draw police officers into circumstance where they will threaten with premeditation and compel an officer to use deadly force against them as a means to commit suicide.

Motivations. The motivation of a subject can explain the source, purpose and direction behavior will take. There are eleven basic motivations associated with attack risk. These motivations are described below in terms of their usefulness in recognizing, understanding and diffusing a potentially violent person.

1. Defending or securing freedom
2. Gaining or maintaining a sense of control
3. Behavioral "carry-over" from one situation to another, and displacement from recent or ongoing violence
4. Survival or protection against a "perceived danger or threat"
5. Overpowering opposition or resistance by reflex
6. Dispensing punishment or justice

7. Maintaining, changing or improving one's image, status or reputation
8. Blaming, acting out or releasing emotional pressure
9. Provoking others as a means to invite punishment or to relieve guilt
10. Civil or rationalized violence for a cause
11. Individual observation of violence with group diffusion of individual responsibility or consequences

Understanding the motivation of a subject can both explain, as well as guide the officer's strategy and actions. The power of these motivations and their association with a risk of attack may be evident on arrival or quickly recognized by the responding officer. Some situations present enough evidence that officers can form a judgment as to the subject's motivation. A subject who becomes aggressive when he believes he will be arrested (when in fact he was not going to be) is different from a subject who is acting tough and threatening to improve his image in a gang. These situations might carry significant and similar risks, but might be approached differently. Understanding a subject's motivation can guide officers in their approach and manner of engagement. How officers respond will change the level of risk.

Mental and Emotional Status. Finally, the subject's mental and emotional status provides information about their ability to communicate and relate to others, solve problems and control behavior. An example of an impaired mental and emotional status would be a subject who demonstrates repeated and rapid changes in mood, is easily distracted, is restless, speaks rapidly implying possession of special powers, and has difficulty staying with a conversation. Observations regarding the subject's quality of speech, ability to answer questions, emotional state, mood swings or unusual behaviors can be observed and later documented.

Implications For Law Enforcement

When an officer is en-route to a call, he or she will consider the type of call and cover available. Upon arrival, officers listen and

observe general body movements and group behavior in the context of recent events. The most significant recent events include any threatening or violent behavior. Up close, officers may observe subtle or rapid changes in behavior, facial expressions, changes in voice, tension discharging movements, subtle attacking and defending behaviors, proximity changes, progressions of behavior and much more. Officers will attempt to observe, investigate, manage or eliminate influences that may trigger violence and thereby reduce the risk of attack. Prior experience or knowledge combined with the officer's assessment of the subject's motivation will be considered in estimating the risk and developing a strategy to manage and diffuse a potentially violent situation.

When an officer must use force, or there is a loss of life, the emotional impact to that officer can be enormous. Traumatic events can become repressed (or blocked from memory) without appropriate debriefing. Subsequent interviews with officers and others who were present at the scene may at first seem incomplete. The pressures of internal reviews and investigations can make full recall even more difficult and may confuse ensuing investigations. The emotional and psychological stress of lethal incidents and subsequent investigations can lead to impaired judgment, diminished officer safety, stress disorders, early retirement, or an unnecessary resignation of competent officers.

A recent concern expressed by a growing number of police officers is the impact of not shooting someone when shooting that person is justified. Not shooting when one could shoot can be more devastating to an officer than shooting the person. If these observations are indeed true, then there is reason to believe that truly heroic actions on the part of an officer during use of force situations may impair that officer's capacity to accurately recognize and respond appropriately to the next attack risk.

Besides managing and diffusing people who are potentially dangerous, officers are expected to justify their actions to district attorneys, grand juries, to criminal and civil courts, during

internal investigations, to the media, government officials and during public inquiries. The spectacle generated by media interests can strongly impact current and future training priorities, public funding for law enforcement and police-community relations. This has important implications for law enforcement.

First of all, police officers face situations in which it is necessary to restrain, search and confine the movements of individuals for the purposes of officer safety. The reason for such action is the attack risk and is often referred to as "officer safety." In these circumstances, the officer's response and any use of restraint or force must be reasonable considering the circumstances. Many standards of law and internal policies do not require an officer to be absolutely certain regarding a threat to officer or public safety, but they do require his or her judgments be reasonable given the circumstances.

Describing and documenting the sequence from "recognition to action" can be unreliable and complicated without a reliable vocabulary. Simply saying the subject looked "angry", "uncooperative", "aggressive", "hinky" or "hostile" is an opinion and not a useful description. Behavioral descriptions are very different from characterizations and are based on a report of observations and progressions of behavior that allow others to reach their own conclusions while avoiding the use of jargon or stereotypes.

The ability to articulate what happened and why, forms the essential basis for any evaluation that follows. If an officer does not articulate the basis of his or her actions prior to the use of force, how can his or her actions be justified? In cases where officers must respond to a high number of calls, an officer's ability to remember and later testify can be difficult. The inability of an officer to accurately recall the basis of an attack risk based on a call that happened months or years ago can lead to successful civil claims against police as well as motions for dismissal in criminal cases.

Second, and equally important - there is no magic or "sixth sense" about the risk of attack. Many officers say there was a risk of violence when they suddenly "knew" they were in danger. As a consequence, police will often maintain that only police can understand, appreciate and evaluate the reliability of this sudden "knowing." This perception on the part of police officers is unfortunate because many officers will unnecessarily fear and then resist documenting the basis of their actions.

Third, armed with the ability to articulate the basis of their actions and describe the risk of attack, the public and citizen review boards, as well as community governments are in a position to understand, appreciate and evaluate situations involving use of force. Media and the public have begun to capture the actions of police on video tape. Unfortunately, the basis and full extent of what police officers recognize and respond to is not apparent in videotape records alone. The context of the situation as it unfolds, the type of the call, as well as numerous subtle behaviors are not captured or evident on video.

Public policy, police-community relations and an officer's career are shaped by the officer's recognition and response to a dangerous subject as well as the officer's ability to articulate what happened and why. While bystanders may not perceive an officer's actions were necessary or appropriate, the officer may in fact be responding and acting appropriately. Street officers need the ability to rapidly assess attack risk, take the appropriate action, as well as to recall and articulate the basis of their actions. Without the ability to recognize, recall and articulate the basis of judgments, officers tend to under report effective actions, as well as the valid and reasonable basis guiding their actions.

Training and research in behavioral sciences and training have shown that reflexes, memory and judgments improve when people constructively debrief their experience. Police officers already debrief issues involving officer and public safety, their mental and emotional experience, strategic and tactical considerations. However,

much of this debriefing is unsystematic, informal, discussed in general terms, and may rely on police jargon or references to a similar calls to describe the behavior and context.

Good judgment is not just the result of common sense and experience dealing with people who become violent. Discussion among peers, between a coach and trainee, or documentation for purposes of a report promotes conscious reflection and self-critique. Reliable and thorough discussion of judgments, the basis of those judgments, and the actions taken by an officer will promote the rapid identification of attack risk, improve an officer's memory of the events that happened, as well as insure better judgment and appropriate action in the future. The ultimate outcome is improved officer and public safety, as well as a greater sense of accountability to the public.

Many police already possess the expert ability to recognize the risk of attack. However, new recruits and even seasoned officers are not formally trained to precisely and consciously recognize the full range of predictors they automatically and even unconsciously respond to, nor are they formally trained to recall and accurately describe the basis of their actions.

Officers are already familiar with the use checklists and guides that outline observations and behaviors of subjects that may be intoxicated. In a like manner, checklists and guides can also be developed to help police to recognize, recall and describe the risk of attack. Checklists based on field observations and content validation can be used to help train officers to recognize, respond and report the risk of an attack in a reliable, valid and useful manner. This information has tremendous value to police crisis and hostage negotiators.

The goal of training should be to make the process of recognizing and describing risk factors less mysterious, more consistent with departmental policy and more conscious on the part of the responding officer. The basis of a significant attack risk can be thoroughly

identified, documented and discussed in valid and reasonable terms.

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