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FBI Law Enforcement

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September 1992
Volume 61
Number 9



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Photo courtesy of Dan Boyd



On the Cover: As the United States becomes an increasingly multicultural society, American law enforcement officers must learn to adapt to a changing world.

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William S. Sessions, Director

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The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

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The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, Washington, D.C. 20535.

**U.S. Department of Justice
National Institute of Justice**

138660-
138662

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Law Enforcement

Journal of the Law Enforcement Society

BY GARY HEAVER, PH.D.

To better serve citizens from increasingly diverse backgrounds, law enforcement officers need to understand the cultural aspects of communication and behavior. Frustrations will only mount if the criminal justice community ignores diversity or assumes that it can continue to function according to traditional expectations and norms. In short, officers need to know the dynamics of cross-cultural communications.

This article focuses on the cultural aspects of communication and behavior. It describes the basic nature of culture and then addresses the naive assumptions held by many Americans regarding cultural diversity. The article concludes with recommendations to overcome barriers to cross-cultural communication.

The Basic Nature of Culture

The complexity of culture can best be explained by comparing it to an iceberg. The tip of the iceberg represents the external or conscious part of culture—language, customs, food, etc. The portion that lies beneath the water's surface, which makes up by far the larger part of the iceberg, corresponds to the internal or subconscious aspects of culture. This includes the beliefs, thought patterns, and world views shared by all people in the same social group.¹

Furthermore, internal culture determines behavior. To realize what motivates other peoples' behavior and how they explain their

behavior, it is important to appreciate their internal culture.

When internal cultures come together, it is as if a collision occurs at the base of the two icebergs. The effects of this impact depend on the understanding that exists between the two cultures.

Naive Assumptions Regarding Cultural Diversity

While we all know that people from other cultures eat different types of food and speak different languages, we often fail to realize that they also have different values, beliefs, and thought patterns. More importantly, we seldom recognize that our own cultures also program us with a particular set of values, beliefs, and thought patterns.

People hold a number of assumptions about those from cultures other than their own. These assumptions must be examined before any consideration can be given to overcoming barriers to cross-cultural communication.

Assumption #1: As society and the workforce become more diverse, differences become less important.

Simply mixing culturally different people together does not resolve misunderstandings and conflict. Quite the contrary. Differences usually become more apparent and hostilities can actually increase during encounters between culturally diverse individuals.²

As long as individuals surround themselves with those who share basic values, beliefs, and behaviors, culture can be taken for granted. However, when these individuals interact with people who are culturally different, they see contrasts and make comparisons. In turn, they become more aware of their own culture.

Ironically, the best way to discover one's culture is to leave it and enter another. This is especially true of internal culture. For example, the black identity movement among college students in the late 1960s did not begin on black campuses. Rather, it started when predominantly white colleges recruited large numbers of black students. When these African-American students found themselves literally surrounded by white people, they didn't become white. They simply became more aware of what it means to be black. The value and importance of their racial identities didn't diminish; they increased.

Assumption #2: "We're all the same" in the American melting pot.

The notion that "we are all the same" spins off the so-called "melting pot" myth. Granted, some truth



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The criminal justice community needs to weave cross-cultural awareness into all aspects of law enforcement training.
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lies in the idea that America is a nation of immigrants. Traditionally, people came from around the world, threw their culture into the American "melting pot," and advanced economically because of their own individual efforts. Unfortunately, this notion represents an exaggerated and romanticized truth. All cultures did not melt into the pot equally.

What many immigrants found could be described as a cultural cookie cutter—a white, male, Protestant, Anglo-Saxon mold. Those who could fit in the mold more easily advanced in the socioeconomic system. The Irish, Italians, and Poles could get rid of their accents, change their names, and blend into the dominant white community. But, African Americans, American Indians, and Latinos couldn't change the color of their skin or the texture of their hair to fit the mold. They were identifiably different.³

During the various cultural and racial identity movements of the 1960s and 1970s, people asserted their right to be different within a pluralistic society. These people continually asked, "Why couldn't individuals retain their differences and still have an equal opportunity? Why is it necessary to give up these differences to become part of the mainstream or dominant culture?" They wanted to be recognized not for fitting into the white, middle class, male mold, which people of color and women could never do, but for their differences.

Along these same lines, all cultural, racial, and gender differences do not disappear when someone dons a uniform. Even though law enforcement asserts that everyone is

the same when wearing blue, it becomes practically impossible to deny the diversity that shows itself in the ranks. What law enforcement needs to do is to accept and to manage this diversity. In the long run, this only strengthens law enforcement organizations.

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...as society and the law enforcement workforce become more diverse, the ability to manage cultural diversity becomes essential.

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Assumption #3: It's just a matter of communication and common sense.

At least 90 percent of the messages that people send are not communicated verbally, but by posture, facial expressions, gestures, tone of voice, etc.⁴ These nonverbal messages express and shape attitudes and feelings toward others. No one teaches their meanings in school. Rather, people subconsciously learn the meaning of nonverbal messages by growing up in a particular culture. At the same time, they assume that everyone shares these meanings. In reality, just the opposite is true.

Consider the following scenario:

A Nigerian cab driver runs a red light. An officer pulls him over in the next block, stop-

ping the patrol car at least three car lengths behind the cab. Before the police officer can exit the patrol car, the cabbie gets out of his vehicle and approaches the officer. Talking rapidly in a high-pitched voice and making wild gestures, the cab driver appears to be out of control, or so the officer believes.

As the officer steps from his car, he yells for the cab driver to stop, but the cabbie continues to walk toward the officer. When he is about 2 feet away, the officer orders the cabbie to step back and keep his hands to his sides. But the cab driver continues to babble and advance toward the officer. He does not make eye contact and appears to be talking to the ground.

Finally, the officer commands the cab driver to place his hands on the patrol vehicle and spread his feet. What began as a routine stop for a traffic violation culminates in charges of disorderly conduct and resisting arrest.

This scene typifies many of the encounters that take place daily in the United States between law enforcement and people of other cultures. A simple traffic violation escalates out of control and becomes more than a matter of communication and common sense. It represents two icebergs—different cultures—colliding with devastating results.

To understand the final outcome, we need to examine the breakdown in nonverbal communi-

cation. First, most Americans know to remain seated in their vehicles when stopped by the police. But the Nigerian exited his cab because he wanted to show respect and humility by not troubling the officer to leave his patrol car. The suspect used his own cultural rule of thumb (common sense), which conveyed a completely different message to the officer, who viewed it as a challenge to his authority.

The Nigerian then ignores the command to "step back." Most likely, this doesn't make any sense to him because, in his eyes, he is not even close to the officer. The social distance for conversation in Nigeria is much closer than in the United States. For Nigerians, it may be less than 15 inches, whereas 2 feet represents a comfortable conversation zone for Americans.

Another nonverbal communication behavior is eye contact. Anglo-Americans expect eye contact during conversation; the lack of it usually signifies deception, rudeness, defiance, or a means to end a conversation. In Nigeria, however, people often show respect and humility by averting their eyes. While the officer sees the cabbie defiantly "babbling to the ground," the Nigerian believes he is sending a message of respect and humility.

Most likely, the cab driver is not even aware of his wild gestures, high-pitched tone of voice, or rapid speech. But the officer believes him to be "out of control," "unstable," and probably, "dangerous." Had the cab driver been an Anglo-American, then the officer's reading of the cabbie's nonverbal behavior would have been correct.

One of the primary results of a breakdown in communications is a sense of being out of control; yet, in law enforcement, control and action are tantamount. Unfortunately, the need for control combined with the need to act often makes a situation worse. "Don't just stand there. Do something!" is a very Anglo-American admonition.

With the Nigerian cab driver, the officer took control using his cultural common sense when it might have been more useful to look at what was actually taking place. Of course, in ambiguous and stressful situations, people seldom take time to truly examine the motivating behaviors in terms of culture. Rather, they view what is happening in terms of their own experiences, which comes off being ethnocentric—and usually wrong.

“**Law enforcement professionals need to develop cultural empathy.**”

Law enforcement professionals need to develop *cultural empathy*. They need to put themselves in other people's cultural shoes to understand what motivates their behavior. By understanding internal cultures, they can usually explain why situations develop the way they do. And if they know their own internal cultures, they also know the reasons behind their reactions and realize why they may feel out of control.

Assumption # 4: Conflict is conflict, regardless of the culture.

During face-to-face negotiations with police at a local youth center, the leader of a gang of Mexican-American adolescents suddenly begins to make long, impassioned speeches, punctuated with gestures and threats. Other members of the group then join in by shouting words of encouragement and agreement.

A police negotiator tries to settle the group and get the negotiations back on track. This only leads to more shouting from the Chicano gang members. They then accuse the police of bad faith, deception, and an unwillingness to "really negotiate."

Believing that the negotiations are breaking down, the police negotiator begins to leave, but not before telling the leader, "We can't negotiate until you get your act together where we can deal with one spokesperson in a rational discussion about the issues and relevant facts."

At this point, a Spanish-speaking officer interrupts. He tells the police negotiator, "Negotiations aren't breaking down. They've just begun."

Among members of certain ethnic groups, inflammatory words or accelerated speech are often used for effect, not intent. Such words and gestures serve as a means to get attention and communicate feelings.

For example, during an argument, it would not be uncommon for a Mexican-American to shout to his friend, "I'm going to kill you if you do that again." In the Anglo culture, this clearly demonstrates a threat to do harm. But, in the context of the Hispanic culture, this simply conveys anger. Therefore, the Spanish word "matar" (to kill) is often used to show feelings, not intent.

In the gang scenario, the angry words merely indicated sincere emotional involvement by the gang members, not threats. But to the police negotiator, it appeared as if the gang was angry, irrational, and out of control. In reality, the emotional outburst showed that the gang members wanted to begin the negotiation process. To them, until an exchange of sincere emotional words occurred, no negotiations could take place.

Each culture presents arguments differently. For example, Anglo-Americans tend to assume that there is a short distance between an emotional, verbal expression of disagreement and a full-blown conflict. African-Americans think otherwise.⁵ For black Americans, stating a position with feeling shows sincerity. However, white Americans might interpret this as an indication of uncontrollable anger or instability, and even worse, an impending confrontation. For most blacks, threatening movements, not angry words, indicate the start of a fight. In fact, some would argue that fights don't begin when people are talking or arguing, but rather, when they stop talking.

Mainstream Americans expect an argument to be stated in a factual-inductive manner.⁶ For them, facts

presented initially in a fairly unemotional way lead to a conclusion. The greater number of relevant facts at the onset, the more persuasive the argument.

African-Americans, on the other hand, tend to be more affective-intuitive. They begin with the emotional position, followed by a variety of facts somewhat poetically connected to support their conclusions. Black Americans often view the

united in a clique and on the verge of a confrontation.

Sometimes, Anglo-Americans react by withdrawing into a super-factual-inductive mode in an effort to calm things down. Unfortunately, the emphasis on facts, logical presentation, and lack of emotion often



Photos courtesy of Brenda Walker

comes off as cold, condescending, and patronizing, which further shows a disinterest in the views of others.

mainstream presentation as insincere and impersonal, while white Americans see the black presentation as irrational and too personal. Many times, arguments are lost because of differences in style, not substance. Deciding who's right and who's wrong depends on the cultural style of communication and thinking used.

Differences in argumentative styles add tension to any disagreement. As the Chicano gang leader presented his affective-intuitive argument, other gang members joined in with comments of encouragement, agreement, and support. To the police negotiator, the gang members appeared to be

Law enforcement officers should remember that racial and cultural perceptions affect attitudes and motivate behavior. In close-knit ethnic communities, avoiding loss of face or shame is often very important. Combatants find it difficult to back away or disengage from a conflict. As a result, third parties must intervene to avoid loss of face. These intermediaries must know all disputants. Their goal is to bring about compromise because everyone has to continue living together in the community.

This is exactly the role President Carter played in negotiations between Israel and Egypt. Begin and Sadat could not have signed the

Camp David Accords without President Carter being the third-party intermediary. Compromise was necessary because Israelis and Egyptians must live together in the Middle East.

In complex urban societies, there is no assumption of indirect responsibility. If a matter must be resolved by intervention, then the judge and jury must appear neutral or uninvolved. Resolution is determined by a decision of right or wrong based on the facts or merit of the case. Compromise is seldom a desired goal.

proactively develop cultural knowledge and skills fail to serve the needs of their communities. More importantly, however, they lose the opportunity to increase the effectiveness of their officers.

Unfortunately, cross-cultural training in law enforcement often occurs after an incident involving cross-cultural conflict takes place. If provided, this training can be characterized as a quick fix, a once-in-a-lifetime happening, when in reality it should be an ongoing process of developing awareness, knowledge, and skills.

At the very least, officers should know what terms are the least offensive when referring to ethnic or racial groups in their communities. For example, most Asians prefer not to be called Orientals. It is more appropriate to refer to their nationality of origin, such as Korean-American.

Likewise, very few Spanish speakers would refer to themselves

Central America. Some would rather be identified by their nationality of origin, such as Guatemalan or Salvadoran.

Many American Indians resent the term "Native American" because it was invented by the U.S. Government. They would prefer being called American Indian or known by their tribal ancestry, such as Crow, Menominee, or Winnegago.

The terms "black American" and "African American" can usually be used interchangeably. However, African American is more commonly used among younger people.

The criminal justice community needs to weave cross-cultural awareness into all aspects of law enforcement training. Law enforcement executives must realize that it is not enough to bring in a "gender" expert after someone files sexual harassment charges or a "race" expert after a racial incident occurs. Three-hour workshops on a specific topic do not solve problems. Cross-cultural issues are interrelated; they cannot be disconnected.

Overcoming Barriers to Cross-cultural Communication

What can the criminal justice community do to ensure a more culturally aware workforce? To begin, law enforcement professionals must *know their own culture*. Everyone needs to appreciate the impact of their individual cultures on their values and behaviors. Sometimes, the best way to gain this knowledge is by intensively interacting with those who are culturally different. However, law enforcement professionals must always bear in mind



Photos courtesy of Robert Sleed and Brenda Walker

Cross-cultural Training

Because of naive assumptions, the criminal justice community seldom views cross-cultural awareness and training as vital. Yet, as society and the law enforcement workforce become more diverse, the ability to manage cultural diversity becomes essential. Those agencies that do not

as Hispanics. Instead, the term "Chicano" is usually used by Mexican-Americans, while the term "Latino" is preferred by those from

that culture, by definition, is a generalization. Cultural rules or patterns never apply to everyone in every situation.

The next step is to *learn about the different cultures found within the agency and in the community*. However, no one should rely on cultural-specific "guidebooks" or simplistic do's and don'ts lists. While such approaches to cultural awareness are tempting, they do not provide sufficient insight and are often counterproductive.

First, no guidebook can be absolutely accurate, and many cover important issues in abstract or generic terms. For example, several different nations comprise Southeast Asia. Therefore, when promoting cultural awareness, law enforcement agencies should concentrate on the nationality that is predominant within their respective communities, i.e., Vietnamese, Laotian, Cambodian, etc. At the same time, these agencies should keep in mind that cultures are complex and changing. Managing cultural diversity also means being able to adjust to the transformations that may be occurring within the ethnic community.

Second, relying on a guidebook approach can be disastrous if it does not provide the answers needed to questions arising during a crisis situation. It is much more useful to have a broad framework from which to operate when analyzing and interpreting any situation. Such a framework should focus on internal, not just external, culture. Knowing values, beliefs, behaviors, and thought patterns can only assist law enforcement when dealing with members of ethnic communities.

Law enforcement professionals should also *understand the dynamics of cross-cultural communication, adjustment, and conflict*. When communication breaks down, frustration sets in. When this happens, law enforcement reacts. This presents a very serious, and potentially dangerous, situation for officers because of the emphasis placed

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The criminal justice community cannot afford to ignore the diversity of cultures in American society or within the profession itself.

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on always being in control. Understanding the process of cross-cultural interaction gives a sense of control and allows for the development of coping strategies.

Finally, law enforcement should *develop cross-cultural communicative, analytical, and interpretative skills*. Awareness and knowledge are not enough. Knowing about the history and religion of a particular ethnic group does not necessarily allow a person to communicate effectively with someone from that group. The ability to communicate effectively can only be learned through experience, not by reading books or listening to lectures. At the same time, being able to analyze and interpret a conflict between people of different cultures can also only be mastered through experience.

Conclusion

Culture regulates people's behavior and thought patterns. During an encounter between individuals of different cultures, the dynamics of cross-cultural interaction comes into play. An inability to communicate on the part of those involved raises barriers that oftentimes magnify the differences and escalate the conflict.

The criminal justice community cannot afford to ignore the diversity of cultures in American society or within the profession itself. Maintaining traditional expectations and norms only serves to broaden the chasm between law enforcement agencies and the citizens whom they serve.

Police professionals need to understand the cultural aspects of communication. They also need to realize that the issue centers not on eliminating diversity, but rather on how to manage it, and more importantly, on how to learn from it. ♦

Endnotes

¹ Edward Hall, *Beyond Culture* (Garden City, New York: Doubleday), 1976.

² Nancy Adler, *International Dimensions of Organizational Behavior*, 2d ed. (Cambridge, Massachusetts: Kent Publishing, Co.), 1991; Richard Brislin, *Cross-Cultural Encounters*, (Elmsford, New York: Pergamon Press, 1981).

³ Gary Weaver, "American Identity Movements: A Cross-Cultural Confrontation," *Intellect*, March 1975, 377-380.

⁴ Albert Mehrabian, "Communication Without Words," in *Readings in Cross-Cultural Communication*, 2d ed., Gary Weaver (ed.) (Lexington, Massachusetts: Ginn Press, 1987), 84-87.

⁵ Thomas Kochman, *Black and White Styles in Conflict* (Chicago, Illinois: University of Chicago Press), 1981.

⁶ Edmund Glenn, D. Witmeyer, and K. Stevenson, "Cultural Styles of Persuasion," *International Journal of Intercultural Communication*, 1, 1977, 52-66.

Focus on Police Pursuits



The Precision Immobilization Technique

Police officers can intervene to halt a fleeing motorist. Yet, the decision to contact a violator's vehicle should be based on the totality of the facts, as related to the use of deadly force. Unfortunately, police administrators seldom address this issue unless a lawsuit is filed due to injury or death.

Experts warn agencies against forcing vehicles from the roadway, believing that there are no situations in which such actions would be justified. Yet, officers' past experiences indicate that pursuit attempts may require physical contact to prevent actions that could harm the public.

The department leaders of the Fairfax County, Virginia, Police Department recognized the importance of establishing parameters and training for intentional vehicle contact. As a result, the department trains all patrol officers and

special teams in a technique known as the precision immobilization technique.

Background

Before deciding which specific technique to use during lawful interventions, department managers analyzed previous instances of vehicle pursuits that involved contact. Guidelines pertaining to lawful intervention in Fairfax County already existed. For example, they allowed an officer, under certain circumstances, to force the vehicle of a fleeing suspect from the roadway. However, statistics revealed that violators rammed officers more frequently than officers made contact with them. It was also revealed that officers had intentionally contacted vehicles when the use of deadly force may not have been clearly defined. No one died as a result of any of these

incidents; nevertheless, police vehicles sustained extensive damage and injuries occurred.

It became evident from the research that police officers were using various techniques to halt fleeing suspects. Actual contacts needed to be practiced in a training environment to ensure that officers attempting this maneuver were doing so in a safe and educated manner. When deadly force is an issue, specific instruction on how to do the job can prevent a tragedy. Therefore, officials asked: "Is there a specific technique that should be used when striking a vehicle?"

Personnel from a German auto manufacturer explored the feasibility of controlled vehicle intervention and published the results of that project in 1982.¹ With the research conducted by the auto manufacturer, along with instruction from a private driving school, the Fairfax County Police Department developed the precision immobilization technique (PIT). The technique was then incorporated into a training program that includes discussions of deadly force, liability issues, vehicle dynamics, and driving instruction and practice.

The Precision Immobilization Technique

PIT involves a gentle push to the rear quarter panel of a fleeing suspect's car. Officers must consider the direction in which the violator's vehicle will go, once pushed. Also, the speeds at which the PIT occurs affects the distance the vehicle will travel after officers make contact.