

# Analytical Study

## DECODING NONVERBAL COMMUNICATION IN LAW ENFORCEMENT

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This analytical study examined the importance of nonverbal communication in law enforcement work. In many encounters between police and citizens, the primary focus is always on suspects'/citizens' verbal statements, rather than on how and what their body is conveying while telling the story. This study argues for an integrated approach in which the police officers need to realise that they, too, are communicating nonverbally with suspects. This study reveals that nonverbal communication, also known as body language, proxemic, and kinesics behavior, in many cases tends to constitute a much larger fraction of the police communication model than verbal communication, which should help officers to establish authority and dominance and ensure their safety. Nonverbal communication is not something added onto criminal justice, but rather it is the essence of criminal justice. This results suggest that nonverbal communication is the foundation of a successful relationship/encounter between criminal justice personnel and suspects or criminals, as well as being a powerful method that cannot be feigned.

**Keywords:** Law enforcement, authority, dominance, body language, nonverbal communication

### INTRODUCTION

The world of criminal justice is based on communication, which is defined as the sending, giving, or exchanging of information and ideas, which are often expressed verbally as well as nonverbally through facial expressions, posture, clothing, gestures, tone of voice, writing, distance, and other nonverbal signs (Mcintosh 2006). People from all backgrounds and cultures use nonverbal communication consciously and unconsciously. According to Wayne (2013), a variety of theories have been developed to study nonverbal communication—for example, semiotics (signs), proxemics (space and distance), kinesics (body language,) and cross cultural (changes across cultures). However, none of these

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types of nonverbal communication have been fully applied to law enforcement. People plan and execute criminal behavior through communication, and criminal justice practitioners' interviews, prosecute, try, and convict criminals through communication. Each participant in the criminal justice system must be able to show his or her communication skills through the different mediums. For example, according to Darwin (reprinted 1998), all mammals show emotions reliably in their faces.

Communication in law enforcement is the relaying of useful information whether it is nonverbal or verbal. Both of these forms of communication can be effective throughout the criminal justice system from police situations, courtroom settings, juvenile facilities and correction facilities (Faye 2013: 1). Also, nonverbal communication scholars have long agreed that many types of nonverbal behavior are communicative, (Burgoon 1991; Burgoon 1978; Burgoon, Buller, Hale and deTurck 1984; Costa 2009), and hence what criminals do not say to law enforcement officials really does matter, even more than their spoken words. Nonverbal communication typically occurs not in isolation but as part of behavioral composites whose meaning becomes evidence to law enforcement officials. Nonverbal behavior consists of body motion—kinetic behavior—and the non-content aspect of speech—paralinguistic behavior.

In today's complex society, criminal justice officials are under pressure to understand both verbal and nonverbal communication in order to do their jobs well. Marshall (2011: 1) defines communication as a method or means of broadcasting information between two or more entities. There are many definitions of communication, but in criminal justice, cause and effect are very important, and the means and the ends are equally important. All variations of communication have a common end, which is understanding (Marshall 2011). Arguably, not understanding the communicator means not understanding the communication. And since law enforcement deals with people from different cultures and ethnic backgrounds, it follows that law enforcement officials need to be sensitive to the verbal and nonverbal communication of citizens with whom they interact.

Law enforcement officers need to be sure that they can communicate nonverbally and decode the nonverbal communication of every suspect regardless of their cultural origin. Since nonverbal communication makes up two thirds of all communication (Trompenaars 1993), there is a need for law enforcement officers to have the ability to interpret conscious and unconscious

non-verbal communication signs. Nonverbal communication or body language is a powerful tool that can help people connect, express what they really mean, and build better relationships (Segal, Smith, Boose and Jaffe, 2013).

### PROBLEM STATEMENT

It could be argued that within the criminal justice system that many practitioners believe that if they speak the same language then an understanding of what is being said is certain. It is asserted here that this position is not true. The reason: one may understand the words being said but not understand the meaning behind the words.

In many instances, communication may require more than hearing, and this is where nonverbal communication comes into play (Marshall 2011). Criminal justice agencies cannot function well without face-to-face interaction, and there is widespread agreement that good communication (verbal and nonverbal) is the foundation of any successful personal and professional relationship. The ways in which a person listens, look, move, and react tell a lot about the individual. By way of example, people can decode foreign verbal language by following the body language that goes with it. However, many criminal justice personnel are not trained in how to discern whether a person is using their innate tendencies for proxemics (relative position of the body) behavior to either convey a message or deny it.

When police interact with suspects, both parties continuously give and receive nonverbal signals that include, but are not limited to, gestures, sitting, posture, eye contact, loud or low tone of voice, and distance between individuals, and all of these have meanings. According to Segal et al. (2013), everything people do can have meaning to a law enforcement officer, including the way they listen, react, look, and move, which can tell the officer whether or not someone is being truthful. If a person's nonverbal signal does not coincide with the statement they are saying, then it arouses distrust, confusion, and tension. Even if a suspect stops talking, it should still be a meaningful nonverbal communication to a criminal justice official.

Many law enforcement officers and suspects operate under the misapprehension that it is their spoken words that convey the primary messages, but it is hypothesised here that it is their nonverbal cues that are important. This study probes the subject literature in order to identify certain techniques that

have been found to be useful in crisis intervention and evaluates these as to their application for law enforcement officers.

### LITERATURE REVIEW

Research on nonverbal communication and the factors that may affect it dates back to the 1800s and the pioneering work Charles Darwin's book, *The Expression of Emotions in Man and Animals* (reprinted 1998) Darwin argued that all humans, regardless of race or culture, possess the ability to express emotions in exactly the same ways, primarily through their faces, (Matsumoto 1999).

There have been many studies since the 1800s across a number of fields, including social psychology, linguistics, and semiotics, among others. These studies that were attempting to test the universality of facial expressions were flawed methodologically, (Matsumoto 1999). It was not until 1960s that the "universality studies" agreed of the existence of same/common universal facial expressions, (Ekman 1972; Ekman & Friesen 1971; Ekman, Sorenson, & Friesen, 1969; Izard, 1971). Besides, some nonverbal communication is based on symbols that are different between cultures, but there are also some that are universally understood. For example, facial expressions of anger, sadness, joy, surprise, disgust, and fear are universal according Ekman's (1968) study of nonverbal behavior.

Also, the study by Grammer, Renninger and Fscher (2004) discovered that elements such as physique, height, weight, hair, skin color, gender, odors, and clothing send nonverbal messages during interaction. Melamed and Bozionelos (1992) revealed in their study of a sample of managers in England that height was a major factor influencing promotion of employees. There are also studies that link nonverbal behavior cues to aggressive acts. Predictors of aggression were studied by Arsenio, Cooperman, and Lover (2000: 411), who measured anger indicators of pre-aggressive behavior as increases in tone of voice with negative verbal attack, narrowing of the eyelids, lowered brows, lips pressed together, and so on.

However, there are very few studies on the area of nonverbal behavior, culture, and law enforcement. Some websites devoted to organizational fields like policing, corrections, etc., only deal with nonverbal cues that could predict future violent behavior, and some even contradict each other's findings. For example, avoiding eye contact may be promoted by one website, while others

may promote staring someone in the eye (Demir, 2011). In brief, the existing literature has little study of nonverbal behavior in relation to culture and law enforcement. The present analytical study is seeking to start to fill these gaps in criminology by examining the willful and conscious decoding of nonverbal behavior cues of criminal suspects in the criminal justice system depending upon their culture.

### THEORY

Nonverbal communication is not only the process of communication through sending and receiving wordless visual cues among people but also encompasses much more, such as tone of voice (paralanguage), space (proxemics), feeling (haptics), and appearance. Every communication involves the process of encoding and decoding. Decoding nonverbal communication in law enforcement suggests that interactive models are best suited for this occupation.

Recognising the unique challenge faced by law enforcement; the challenge is how to identify and engage suspects as individuals in heterogeneous society. Theories of nonverbal communication reveal that an observer can infer character traits such as trustworthiness and honesty through a speaker's nonverbal actions (Wayne 2013). Nonverbal techniques indicate exactly the intended meaning from the sender. Nonverbal communication in law enforcement must address and interpret a suspect's actions individually, depending upon various factors—cultural, environmental, etc.—before determining what is being communicated.

When people listen (or speak), their attention is focused on words rather than body language. But their judgment includes both. Also, an audience is simultaneously processing both verbal and nonverbal cues. Besides, body movements are not usually positive or negative in and of themselves; rather, the situation and the message will determine the appraisal, (Givens, 2000: 4).

Lies can be betrayed in verbal and nonverbal leakage independently. According to Matsumoto, Hwang, Skinner and Frank (2011: 3), Liars are more likely to produce significantly more nonverbal behaviors in consistent with the context or content of their words than truth tellers. For example, a person may deny stealing something, but showed fear or distress while making that claim. Conversely, the nonverbal behaviors (e.g. nodding their heads up and down while saying “yes”) of truth tellers remained much more consistent with their verbal statements. Besides, the nonverbal behavior by themselves are not as indicative of truth telling or lying; instead it is their level of consistency with the

verbal statements or context that determined truthfulness at a high degree. Depending on the expertise of the decoder (police officer) of nonverbal communication, this can be a useful tool for extracting the truth or falsehood of a statement by a suspect. There are varieties of theories developed for the study of nonverbal communication.

### **Semiotics**

This is the study of how signs relate to things. Body language, words, and sounds have been studied using a Marxist approach, specifically studying how ideology can influence the interpretation of signs. In law enforcement, a suspect's crossing of arms may indicate resistance, protecting his or her space, or defensiveness. Suspects who feel comfortable, safe, and free will always sit in a relaxed, open manner, while suspects who feel hostile, aggressive, or nervous will sit in a closed manner, with arms and legs crossed.

### **Proxemics**

This is the distance or space between the communicator and the receiver. If a law enforcement officer moves too close to a suspect, it could be interpreted as an authoritative gesture on the part of the officer, and if the suspect gets too close to the officer, it could be interpreted as insult, intrusion, or aggression (Papa 2013). For law enforcement, the distance between the officer and the suspect is determined by the nature of the officer's suspicion/probable cause. For example, a felony suspicion stop would require a greater distance between the officer and the suspect than a misdemeanor stop. A reasonably safe distance is a radius of about twelve feet from the suspect (Otu, 2014).

### **Kinesics**

This mainly deals with body language, including posture, facial expression, gestures, the way a suspect walks or sits, etc., which all can communicate meaning to a law enforcement officer (Wayne, 2013). It is common knowledge that different cultures interpret gestures differently. If a suspect gestures a great deal while answering questions from an officer, it could be interpreted that the suspect is being overly emotional or even hysterical, (Vogler, 2013). Also, a suspect's posture could be a cue to the officer. For example, a tall and straight posture indicates that a person is confident, happy, and proud, while a slumped posture could indicate disappointment, sickness, or sadness (Sheahan, 2013).

A suspect's face is a very powerful vehicle for communication with law enforcement officials. For example, frowns, partial smiles or complete smiles can give an indication of what a suspect is thinking at the time. A suspect who smiles with wide eyes and perked eyebrows portrays confidence and happiness, while frowns, narrowed eyebrows, and flared nostrils communicates anger or sadness. Suspects who are nervous, anxious, or seem scared are obviously going to avoid eye contact with the police (Sheahan, 2013).

### **Cross Cultural**

Nonverbal communication has different meanings depending upon the culture. Each society develops its own rules for interpreting nonverbal communication (Wayne 2013). A double finger "peace sign" in the United States may be interpreted to be an obscene gesture in the United Kingdom. Hence, each society is answerable for the kind of police it chooses to have, whether it be by deliberation, power struggle, or total neglect (Otu, 2006), and every criminal justice system fits the culture of its people. One could argue that as a general rule, criminal justice practitioners should watch for nonverbal cues (gesture, sounds, etc.) when interrogating suspects to determine whether or not they are telling the truth. In a heterogeneous society, it is necessary for law enforcement officers to be familiar with other cultures and how they communicate nonverbally (Bailey, 2013).

### **METHODOLOGY**

This analytical study employed a qualitative descriptive approach (Sandelowski, 2000) using content analysis. Data were collected from documentary sources and examined. A summary of these secondary sources included microfilmed documents, newspaper articles concerning nonverbal communication, and papers published in law enforcement and other scholarly journals. These data were collated and analysed so that themes could be developed relating to the subject under investigation. The thematic analysis of these data was then subjected to an ethnographic appraisal by independent judge. The purpose of this assessment was to validate the study's findings by removing the investigator from making the final decision. The independent judge's background consists of many years of law enforcement experience as well as years of criminological study of police interaction with the community.

The results of the analysis are presented in two thematic sections: 1) nonverbal behavior; and 2) value of nonverbal communications in law

enforcement. Although the study cannot be considered exhaustive, it is deemed to be more than adequate to be persuasive in supporting the hypothesis.

## FINDINGS

### **Nonverbal Behavior**

This study focused on how law enforcers, in general, can decode nonverbal communication as a tool in dealing with suspects. In studying the relationship implications of nonverbal behavior between suspects and law enforcement officials, the major aspects are the dominance-submission relationship and the composure/relaxation-non-composure relationship (Burgoon, 1991). A variety of theories have been developed to study suspects' or criminals' nonverbal behavior, with a common denominator, which is to always maintain the officer's authority, safety, and security with regard to a suspect. One such finding is that the officer should maintain a close physical proximity, voice control, direct eye contact, and professional appearance (Tusing and Dillard, 2000; Mauro, 1984; Burgoon, Buller, Hale and de'Turck, 1984). Although close proximity to the criminal, coupled with a relaxed appearance will establish dominance and authority, officers should be conscience to avoid rushing into the "killing zone," which is within a ten-foot radius of the suspected offender (Pinizzotto, Davis, and Miller, 2002).

The importance of nonverbal communication to law enforcement includes strengthening or weakening of other cues. This study found that nonverbal communication can uncover traits such as trustworthiness, honesty, fear, and anger in suspects, if cues are interpreted correctly. This finding also supports conclusions in the literature that say an officer's ability to decode nonverbal behavior from suspects and establish the appearance of being firm, authoritative, and in control of all situations can deter suspects or criminals from trying to hurt or kill the officer (Pinizzotto and Davis, 1999).

These findings underscore the fact that an awareness of nonverbal behavior will allow a law enforcement officer to become better receiver of suspects' messages. Hence, majority of the meaning officers attribute to words comes not from words themselves, but from nonverbal factors such as gesture, facial expression, tone, body language, etc. This is because nonverbal behaviors provide cues, clarify situations and create culture for law enforcement officers. (Verna and Beamer, 2010; n.a., 2013)

## **Value of Nonverbal Communication in Law Enforcement**

Law enforcement officers are sometimes trained to decode nonverbal behavior sent by suspects when they are about to avoid arrest by lying or preparing to escape or initiate violence, (Pinizzotto and Davis, 1999). Nonverbal communication in the criminal justice system is interactive in that both law enforcement officers and suspects send, receive, and decode nonverbal behavior from each other. Suspects and criminals, particularly drug dealers, prostitutes, gang members, and others operating in this “street culture” are likely to be looking for nonverbal cues, such as eye contact and appearance in the people they deal with to try and determine whether or not they are undercover law enforcement officers (Jacobs, 1993). According to Costa (2009), a law enforcement officer’s safety is dependent on their ability to nonverbally establish authority and dominance when working with the public in instances of officer-suspect encounter.

On a daily basis, law enforcement officers encounter dangerous situations as occupational hazards, so to do their jobs successfully as well as safely, they need to remind themselves that close proximity to the offender will establish dominance, authority, and enhanced possibility of arrest, but misreading nonverbal cues that the offender is sending intentionally or unintentionally and reacting inappropriately can be dangerous. Therefore, officers who are trained to in practical communication skills gives them mental preparedness that they can call on, automatically, when encountering suspects/criminals (Pinizzotto, Davis, and Miller, 2002)

As an example, if a police officer is controlling traffic and his or her hand faces a person’s car, without any other clues, the person is highly likely to interpret this to mean stop the vehicle. This cue could save a person’s life, although a person’s refusal may be considered a violation of a traffic law, which has consequences. In a zone of conflict, refusals like this could result in being fired upon (Deatherage, 2006). In other situations, nonverbal communication can clarify other cues, and an officer may use hand gestures, visual aids, photo line-ups, or slide shows to aid comprehension and identification of possible suspects (Morris, 1994; Texas Association of Police Explorers, 2014).

Nonverbal behavior can also clarify verbal communication. A law enforcement officer may use a crime scene sketch or map to show the positions of objects. Crime scene sketches can provide greater clarity and jog the memory

of a witness (Saferstein, 2001). Interestingly, nonverbal behavior can also create solidarity and in-group culture (Kapperbusch et al., 1999; Varner and Beamer, 2010). In law enforcement, it is common knowledge that nonverbal signs allow junior officers to pay respect to seniors in the form of a salute. Nonverbal cues are always powerful indicators of what a police officer means and what he or she feels—for example, a police officer smiling at a citizen shows friendliness—and the relation between verbal and nonverbal communication in law enforcement reveals that even with spoken words the tone of voice and facial expression contribute greatly to understanding and decoding the information being conveyed. Also, nonverbal communication is responsible for the creation of a culture (subculture) in law enforcement. That is to say, in law enforcement there are certain norms and expectations that are not verbally communicated and most of the time these rules of engagement are created through nonverbal expressions (Faye, 2012).

Verbal and nonverbal interaction in law enforcement may form the following meanings:

- **Regulating:** A law enforcement officer may regulate a suspect's communication or behavior by touching his or her arm, which may signal that the officer wants to talk next or that the suspect is going to be interrupted (Knapp and Hall, 2007).
- **Eye Contact:** This often depends on the culture of the participants. In the United States, eye contact with a law enforcement officer means truth, support, and encouragement. No eye contact may mean lying, disinterest, and/or impatience (Ikeda and Tidwell, n.d.; Burgoon 1978).
- **Gesture:** Generally, a law enforcement officer may continue pointing to an object of discussion, which may strengthen the verbal message (Morris 1994; Pease and Pease 2006).
- **Body Posture:** A law enforcement officer leaning back from the talking suspect indicates disbelief and/or skepticism, the officer inclining his or her head gives sympathetic and attentive meaning to the suspect or victim (Texas Association of Police Explorer, 2014).
- **Conflicting Messages:** An officer may be expressing a statement of truth, while simultaneously avoiding eye contact with the suspect, which may send a mixed message to the receiver. Such mixed messages may come as a result

of frustration, ambivalence, or uncertainty. When people perceive mixed signals, nonverbal behavior becomes more reliable (Knapp and Hall, 2007).

- **Space or Distance:** The distance between an officer and a suspect is very important in nonverbal communication. The closer an officer stands to the suspect or victim the more, intimate the encounter. An officer has to use discretion to determine if the distance is too far or too close. If the victim starts to back off, the officer should step back. When a victim or suspect moves forward, the officer should stand still until the suspect reaches a comfortable space for him/herself (Texas Association of Police Explorer, 2014).

### DISCUSSION AND CONCLUSION

It is important to consider nonverbal behavior when dealing with suspects in law enforcement, but it is also necessary that an officer remain alert so that he or she can decode cues accurately. Moreover, the concept of nonverbal behavior holds that many types of nonverbal behavior, individually or in groups, are communicative and have widely recognised interpretations or meanings. For example, a suspect frowning while listening to the officer may be interpreted as meaning disagreement or doubt, or it may also mean that the officer's flashlight is in his face and bothering him, or he is having a headache during the process of communication.

Cultural diversity may also create a problem for accurate interpretation of signals. For example, generally speaking, in the US many in society are likely to be uncomfortable with a perceived "invasion of their personal space," but it is commonly knowledge that Hispanics allow physical hugging, and other forms of touching as signs of friendship. This analytical study found that officers should utilise nonverbal behavior carefully, and in many cases they should watch and listen to pick up signs of lying, truthfulness, innocence, stressfulness, or even mental illness. A police officer should always watch people's body language and place importance on potential differences due to the cultural and social heritage of individuals. In order to establish dominance and authority, officers should understand that close proximity to the suspect gives a more immediate result.

Close proximity and a relaxed posture are normally enough to create dominance in an officer-citizen encounter. While nonverbal communication can vary between different cultures, we also learn rules about the meaning of

nonverbal behaviors based on cultural display rules, but, the fact is facial expression for happiness, sadness, anger and fear are similar throughout the world.

Returning to the study's problem statement that law enforcement officers and suspects consider it is their spoken words that convey their messages, but it was hypothesized that it is their nonverbal cues. Although the study could not claim to be exhaustive, it can be seen as more than adequate to affirm that many nonverbal communication/behavior have consistent and well-known meanings depending on the culture of the participants. But given the myriad of other forms of communication, it is clear that the nonverbal aspects of communication are often more important than others. So, learning and applying the principles this study distilled from the subject literature is likely to enrich an officer's relationships, both socially and professionally. Following these principles is also likely to have policy implications for criminal justice managers.

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