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Verbal Judo: A Gentle but Powerful Form of Less-than-Lethal Force

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Police officers, by virtue of their vested authority to maintain social order and to protect human life (Roberg, Novak, & Cordner, 2005), are given legally justified opportunities to use force. Officers may use force for a myriad of situations such as during traffic stops, executing an arrest warrant, maintaining order during a demonstration, or any other routine police-citizen encounter during which more than the mere presence of the officer is needed to accomplish a legitimate police duty (Walker & Katz, 2005). Weber (1954) suggests that police are given coercive power (physical or psychological) to bring about conformity in society and are thus granted with the legal privilege to gain compliance from members of society through the use of force. Roberg et al. (2005) agree that the use of force and coercion are synonymous and that force “occurs any time the police attempt to have a citizen act in a particular way” (p. 315). Although some may disagree with the contention that police coerce individuals to comply with the law (Lyman, 2005; Walker & Katz, 2005), the police are bestowed with officially permitted power to use force.

There are various forms of force such as verbal force, psychological force, nondeadly force, and deadly force (Skolnick & Fyfe, 1993). When viewed along a continuum of reasonableness as defined by legal parameters established in case law, such as *Graham v. Connor* (1989) and *Tennessee v. Garner* (1985), force can either be reasonable or unreasonable and/or excessive. Admittedly, the use of unreasonable or excessive force has resulted in numerous criminal and civil lawsuits against police as exemplified by the 1991 Rodney King case in Los Angeles (Lyman, 2005) and more recent cases particularly in New Orleans after Hurricane Katrina (Dewan, 2006). Police agencies, as a result of a barrage of criminal and especially civil lawsuits, not only began to re-train officers on use of force but also turned to nonlethal forms of incapacitation. Nonlethal forms of incapacitation, such as TASERs or chemical agents (e.g., pepper spray or oleoresin spray), may cause unintended consequences, however, and can also result in civil liability for police (Roberg et al., 2005). Thus, agencies have turned toward lesser forms of nonlethal force.

One of the most widely adopted forms of nonlethal force is verbal force, primarily verbal judo (Johnson, 2004). Verbal judo focuses on educating officers on interpersonal communication skills and/or conflict resolution skills to diffuse potentially volatile confrontations with members of the community. It also teaches officers to be empathetic, conduct themselves in a professional manner, and gain compliance through verbal appeals (Thompson & Jenkins, 2004). Verbal judo fits well within a community policing philosophy and can potentially shield agencies from civil liability. It can also diminish threats to officer safety.

This paper will discuss justifications for the use of force as well as various forms of force, civil liability as a result of the use of excessive force, and lesser forms of nonlethal force. In particular, the salience of verbal judo will be explored within 54 Law Enforcement Executive Forum • 2008 • 8(4) the context of a community policing philosophy and also within the parameters of officer safety. Finally, verbal judo will be assessed in terms of its suitability in dealing with the public and also pressing social concerns such as domestic terrorism.

Literature Review

Use-of-Force Continuum

Police officers across the United States are trained to use varying degrees of force depending on the particulars of the situation as well as the gender, size, age, and possible intoxication level of the individual (Roberg et al., 2005). Force may be viewed along a continuum, and there are varying use-of-force continuums used by law enforcement. For instance, the Federal Law Enforcement Training Center's (FLETC) continuum contains five levels of force ranging from verbal commands to deadly force (Kedir, 2007). The more popular, however, is a seven-level continuum where the least amount of force is the mere presence of the uniformed officer and the highest level is deadly force (Roberg et al., 2005). In the middle of these diametrically opposed degrees of force exist many other options to either gain compliance or to incapacitate a person (see Table 1). Verbal force can be used to persuade a noncompliant individual to succumb to the wishes of police, but command voice is more likely used by police to strongly influence individuals to follow specific orders such as when police ask a person to "put their hands behind their back." At times, however, police may be obliged to use firm grips which require making physical contact with the individual to help them comply with specific orders. This type of force is used when a person displays a minimal amount of resistance to police orders.

Table 1. Degrees of Force

Degrees of Force	Level	Example
Mere presence	1	Used to maintain order in public places
Verbal force	2	Used for minor violations with no apparent threat to officer or others
Command voice	3	Used when subject refuses to comply with requests
Firm grips	4	Used when subject fails to comply with directions and physical contact with subject is needed to gain compliance
Pain compliance	5	Used when there is minor physical resistance and officer is either in close proximity to the subject (e.g., pain-compliance techniques) or further away from the subject (e.g., TASER)
Impact techniques	6	Used when there is minor physical resistance and officer is further away from the subject (e.g., TASER, pepper spray)

Deadly force 7 Used in situations of imminent threat of death or serious physical injury to officer or others

Source: Roberg et al. (2005), p. 325.

If an individual does not acquiesce to the directives of the police using the above degrees of force, officers may choose to use pain-compliance techniques where pressure is applied to certain parts of the body (e.g., pressure points) to influence an individual to comply with police orders. Officers may also choose to use impact techniques such as TASERs, pepper spray, or flashlights and batons. These techniques are intended to incapacitate noncompliant individuals who have not responded to the lesser forms of force and who actively resist orders by police. Finally, if a subject presents an immediate danger to the officer and/or community, officers are legally allowed to use deadly force (Roberg et al., 2005).

Justifying the Use of Force

Admittedly, the use of force in daily police work is an ever-present reality and possibility, but the use of physical force, such as firm grips, pain-compliance techniques, impact techniques, and deadly force is not commonly used by officers during the course of their routine patrol activities. Beginning in the 1960s, research shows that most police-citizen interactions do not involve physical force. Reiss (1967), for instance, found that of the approximately 5,000 face-to-face interactions with community members, police used force in less than 2% of cases. He also discovered that interactions with the public were cordial and conducted in a business-like manner. Reiss, nevertheless, also found that police cordiality was significantly linked to citizens' level of geniality. Sykes and Brent (1983) analyzed 2,000 police-citizen encounters and similarly found that police seldom use physical force; however, situational factors, such as noncompliance on the part of the citizen, may warrant the use of force, including physical force. Most recently, Terrill (2001) found that of 3,544 police-citizen interactions, verbal force was used in 60% of cases, and greater forms of force were used in approximately 5% of cases. This mirrors the findings of the National Institute of Justice (1999), which found that out of the nearly 45 million people who come into contact with police throughout the course of one year, only 1% or 500,000 persons are subjected to some force or threat of force by police. The Bureau of Justice Statistics (2001) also found that police use force in less than 20% of adult custodial arrests.

Despite research indicating the rarity of physical force, there are egregious examples of excessive force or police brutality such as that exemplified in the Rodney King case in Los Angeles (Lyman, 2005) and with Amadou Diallo in New York, who was shot 41 times as he reached for his wallet (Waldman, 1999). Just recently, New York City officers were accused of police brutality for the shooting of Sean Bell, who was unarmed and received about 25 of the 50 bullets fired at him from police (Baker, 2008). According to Carter (1994), "Force that does not support a legitimate police function" (p. 270) is considered excessive. In other words, force that is not necessary to accomplish or solve a lawful police function is unnecessary and may be considered abuse of authority and legally unjustifiable. Carter explains that abuse of authority can be classified into three typologies:

1. Physical abuse/excessive force: This may include more force than is needed to effect an arrest and/or the wanton use of any degree of physical force against another.
2. Verbal/psychological abuse: This may include incidents in which an officer ridicules or harasses others and/or an individual is placed in a situation where his or her esteem or self-image are threatened or

diminished. It may also include the threat of physical harm or any harm that instills fear in the average person.

3. Legal abuse/violation of civil rights: This includes force that is more than necessary to accomplish a legitimate police mission. Legal abuse is defined as any violation of a person's constitutional rights or rights protected by state and/or federal law. (p. 273)

Justifying use of force, from the officer's standpoint, is highly dependent on the particulars of the encounter and is, thus, highly dependent on situational factors such as the gender, size, age, threat to officer safety, weapon possession, and possible intoxication level of the individual not to mention defiance of police directives. The use of force is subjective, at least from the standpoint of the officer as he or she attempts to gauge noncompliance, the above-mentioned situational factors, and whether the individual is a threat to officer safety or the safety of others (Roberg et al., 2005). As noted by Goldstein (1977), "the police function, if viewed from its broadest context, consists of making a diagnostic decision of sorts as to which alternative might be most appropriate in a given case (p. 41). The officer's subjectivity, however, will be judged by the courts as they try to objectively assess the totality of factors that justified the use of force.

In *Graham v. Connor* (1989), the U.S. Supreme Court outlined three factors used to assess use of force: (1) the severity of the crime committed by the individual to whom force was used to incapacitate his or her actions, (2) whether the individual posed a threat to the officer or others, and (3) whether the individual actively resisted arrest or attempted to evade arrest. In *Tennessee v. Garner* (1985), deadly force is reasonable only to prevent the escape of an individual who has threatened the officer with a weapon; when there is a threat of death or serious bodily injury to the officer or others; or if there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious bodily injury and, when practical, some warning has been given by the officer.

The Fourth Amendment regulates an officer's use of force, and courts will utilize the mandates outlined by the amendment, and subsequent rulings in *Conner* and *Garner*, to rule whether the force was legally justified or excessive and unreasonable. The Fourth Amendment denotes that individuals have the "right . . . to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Accordingly, the amendment proscribes any seizure (or arrest) made with more force than is necessary to bring about the restriction of the individual's freedom to leave (see *California v. Hodari*, 1991, and *United States v. Mendenhall*, 1980). In general, courts, including the U.S. Supreme Court, have concurred that force may be used to accomplish the following:

- Protect an officer or others from danger
- Overcome resistance to an arrest and/or seizure
- Prevent escape

With respect to deadly force, it can be used only if

- the suspect threatens the officer with a weapon.
- the officer has probable cause to believe that the suspect committed a crime involving serious bodily harm and that his or her escape will endanger the public.

A totality of the circumstances approach will be taken by the court and/or jury to determine the reasonableness of force used. Thus, they will look at the situational factors present at the time force was used, the officer's justification for force, and whether a "reasonable officer" would also have used force in the same situation. According to Fyfe (1989), however, the diagnostic expertise of officers or, more Law Enforcement Executive Forum • 2008 • 8(4) 57 precisely, their ability to process critical information about a crisis situation is flawed given that most decisions must be made in seconds. In defining the split-second syndrome, Fyfe opines that force is sometimes used based on the officer's perception of reality, or subjective assessment of reality, formed in a matter of seconds and under the most stressful conditions, thus leading to unnecessary violence.

Since most officers are afflicted with split-second syndrome (Fyfe, 1986), liability often ensues, for the officer, for his or her supervisor, and, at times, for the department and the municipality. The U.S. Constitution provides victims of police abuse of power, such as those subjected to excessive or unreasonable force, the opportunity to seek legal redress in the form of a criminal lawsuit and/or a civil lawsuit. Although criminal actions against the police are common, victims often also file civil lawsuits against police in state and/or federal court to obtain monetary compensation for their less than desirable treatment, and often injurious treatment, by police (del Carmen, Williamson, Bloss, & Coons, 2003). It is not uncommon for judgments in excess of one million dollars to be awarded to plaintiffs. For instance, Rodney King received 3.8 million dollars for his lawsuit against the police for brutality (Lyman, 2005). Fearful of liability as well as disparaging commentary in the media, not to mention pressure through case law and state legislation,¹ police departments around the country train officers on use of force, caution them about liability, and encourage them to use lesser forms of nonlethal force when the situation is not life threatening. Some departments even implemented their own policies, further limiting the use of force (Roberg et al., 2005).

Lesser Forms of Nonlethal Force and Liability Issues

As mentioned, there are various forms of nonlethal force that can be employed by officers to accomplish a legitimate police duty, such as a TASER, pepper spray, a flashlight, or a baton, which may involve temporarily incapacitating an individual (Roberg et al., 2005). A TASER, an acronym for Tom A. Swift Electronic Rifle,² is essentially a handheld stun gun. It fires two small probes, which are connected to the gun and can reach up to thirty feet at a speed of over 160 feet per second. Upon contact with an individual's body, a 50,000 volt of electrical energy is transmitted through the probes thereby quickly incapacitating the individual. The electrical current is generally administered for five seconds, though the officer may extend the duration of the electric current if necessary. For comparison purposes only and to put the use of electric volts on humans in context, Nebraska recently halted executions of its most violent offenders because of a concern that its electrocution protocol (the use of the electric chair), which requires the administration of a 20-second 2,450 volt followed by a second volt if needed, violates the Eighth Amendment's cruel and unusual punishment provision (Liptak, 2008). TASERs became popular among law enforcement during the 1990s, and over 11,000 departments have now purchased TASERs because they are considered to be safe and non-deadly when employed on noncompliant individuals (Seals, 2007).

Pepper spray, also known as oleoresin capsicum or OC spray, became part of the arsenal of nonlethal force used by police when tear gas and other strong chemical agents, such as chloroacetophenone (CN) and o-chlorobenzylidene malononitrile (CS), used since the 1960s, lost some support by police in the

early 1990s because they caused too many respiratory problems for targeted individuals and subsequent lawsuits. As a result, OC gained popularity. OC is a chemical naturally found and derived from hot peppers that does not cause such problems but only causes swelling of the eyes and breathing passages. It also works more rapidly than CN or CS, and OC canisters are lightweight and easy to use (Kaminski, Edwards, & Johnson, 1998).

Admittedly, flashlights are not normally considered weapons, but they have been used by police as impact devices on noncompliant individuals. The Los Angeles Sheriff's Department, for example, in a study conducted over a five-year span comparing the use of flashlights and batons, used flashlights two-thirds of 365 incidents involving only these two types of weapons (Roberg et al., 2005). Some police and sheriff's departments have banned the use of flashlights as weapons, but others have recognized that flashlights "may be needed in some circumstances . . . and when it is used, it will be considered a weapon and all requirements pertaining to the use of force . . . will be applicable" (McEwen, 1997, p. 51). The ambiguity surrounding flashlights dissipates when considering the use of batons as weapons. Batons have an extensive history of use by police, dating back to 1829, when Sir Robert Peel, the father of modern policing, advocated their use for the newly formed London Metropolitan Police. Considered by Peel as a more preferable weapon than a handgun and salient to the accomplishment of a community-oriented policing philosophy, he believed that batons, or nightsticks, would not undermine the mission of the police and would help mend relations between the police and the public since nightsticks are less intimidating than guns (Lyman, 2005). Today, almost every police officer in the country carries a baton, although it may vary in terms of specifications (e.g., ASP collapsible baton, Hybrid baton, Rapid Rotation baton).

When applying and ranking these various lesser forms of nonlethal force and looking at liability issues, all have the potential to reach level seven in the use-of-force continuum, which is deadly force, and all have been named as causes of injury and/or death in civil lawsuits. For instance, although most law enforcement agencies regard the use of a TASER as a weapon within the boundaries of level five or six on the use-of-force continuum (Seals, 2007), Amnesty International has linked this device with 114 deaths since 2001 (Burtka, 2006). When combining statistics from Canada, over 250 deaths have been associated with TASERs. Aside from fatalities, TASERs have also been known to cause serious health consequences such as internal injuries to soft body tissues, organs, muscles, ligaments, nerves, and joints. Secondary risk injuries include bone fractures as the result of falling to the ground after being shocked (Seals, 2007). Pepper spray, generally considered a level 6 use-of-force device, may also cause serious bodily injury or death because it causes breathing difficulties as well as temporary paralysis of the larynx, disorientation, anxiety, and panic (see *Headwaters Forest Defense v. County of Humboldt*, 2001). Flashlights and batons, also considered level 6 impact devices, have the potential to cause serious bodily injury or death (Roberg et al., 2005).

There has been an exponential increase in lawsuits against police for use of these ostensibly lesser forms of nonlethal force (Kedir, 2007). Although individuals subjected to force using any of these devices have the right to petition courts for criminal charges against police, individuals also have the right to file a civil suit. Generally, individuals will bring a civil claim under Title 42, United States Code, Section 1983, which provides civil redress for constitutional rights violations, particularly for violations of the Fourth Amendment (alleging excessive use of force) or the Eighth Amendment (alleging cruel and unusual punishment) (Kedir, 2007). It should be noted that none of these lesser forms of non-deadly force have

been ruled unconstitutional per se, but there are court rulings that have found officers liable for excessive force when using these devices.

For instance, in *Chaney v. City of Orlando* (2007), a district court held that an officer is not allowed to use a TASER on an individual who is only passively and verbally challenging an arrest. With respect to pepper spray, a federal circuit court in California held that officers were liable when they applied pepper spray with a Q-tip to the eyelids of several protesters for trespassing on private property. The protesters were passively resisting arrest, and the court noted that they posed no threat to the officers (see *Headwaters Forest Defense v. County of Humboldt*, 2001). The use of flashlights to incapacitate individuals has also come under court scrutiny. In Detroit, courts found police officers criminally and civilly liable for beating a motorist to death using a flashlight (Peters & Brave, 2008). Finally, the Rodney King case presents an example of police liability for excessive force inflicted using a police baton (Lyman, 2005).

In sum, liability ensues when TASERs, pepper spray, flashlights, and/or batons are used for punitive reasons as opposed to quell a potentially dangerous situation. Thus, officers will be held responsible for retaliatory actions taken against others that serve no legitimate police function. Also, officers will be held accountable for imposing unnecessary pain on individuals who are only passively resisting orders and pose no safety threat to the officer or others. Further, supervisors and/or training academies and municipalities may be held accountable, under the principle of vicarious liability, for failure to adequately train officers on proper use of force and proper use of less-than-lethal force devices (del Carmen et al., 2003). As a result of liability, police agencies have turned to alternative forms of nonlethal force such as verbal judo

Verbal Judo

Thompson and Jenkins (2004) define verbal judo as “the gentle art of gaining voluntary compliance through empathic persuasion” (p. 54). At a level one or two on the use-of-force continuum, verbal judo focuses on educating officers on interpersonal communication skills and/or conflict resolution skills to diffuse potentially volatile confrontations with members of the community. It also teaches officers to be empathetic, conduct themselves in a professional manner, and gain compliance through verbal appeals. Essentially, verbal judo is designed to redirect others’ behavior, or more precisely, others’ verbal expressions, which can be acrimonious and potentially violent during a police-citizen encounter. Since most of police work is made up of oral interaction with the community, Thompson and Jenkins argue that law enforcement personnel should be experts at communication, especially communication under inflammatory conditions.

Verbal judo contains three fundamental communication arts, the first of which is representation (Thompson & Jenkins, 2004). Representation is the officer’s ability to represent the spirit of the law enforcement organization, its policies, and philosophy. It is not for the officer to represent his or her own personal ego. Translation, the second component, is the officer’s ability to use the most proper, assertive, and influential words to possibly generate voluntary compliance; in other words, to use the right words at the right time with the right person. Mediation, the third component, is the ability to

The core of verbal judo is similar to that of physical judo. Instead of attacking an opponent, one deflects the opponent's blows and uses the power of the attacker to carry him or her off balance. Thus, the officer gains control over the exchange by learning to use an opponent's words to diffuse a potentially volatile situation. The officer, however, must remain calm and focused while the opponent attacks and be self-disciplined, remain unemotional, and be highly cognizant of his or her purpose in the encounter with the individual.

Although learning to use the opponent's power is salient for verbal judo to be effective, the verbal and nonverbal messages of the officer need to be consistent. According to Thompson and Jenkins (2004), discrepancy between mind and mouth invites misunderstanding and facilitates conflict. The officer also needs to remain calm in the midst of chaos, deflect verbal abuse directed at him or her, and "offer empathy in the face of antagonism" (p. 67). Thompson and Jenkins believe "empathy is the most powerful concept in the English language" (p. 63). The word has Greek and Latin roots and means to see through the eyes of the other. It is the most essential skill in both physical and verbal judo.

The focused mental calm that officers must achieve and maintain during interactions with others is called *mushin* or still center in martial arts. It is the ability to stay calm, read the opponent, and attempt to redirect his or her aggression to a more positive outcome. While experiencing *mushin*, the officer has to imagine him- or herself in the opponent's shoes and understand where the opponent is "coming from." When that is achieved, the officer can speak with the opponent's perspective in mind. The officer can then gain rapport and help the person see the consequences of his or her actions or intended actions. Again, being calm in the face of insults and verbal abuse will require officers to be self-disciplined and to project themselves in a professional presence as they interact with citizens. The professional presence involves the capacity "to look good on the outside no matter what the officer may feel on the inside" (Thompson & Jenkins, 2004, p. 51). The facial expression and the demeanor of the officer are also important and they must be congruent with verbal commands.

Before giving verbal commands, however, the officer must learn to deflect the insults and abuse and move toward the goal of completing a legitimate law enforcement task. Thompson and Jenkins (2004) recommend "strip phrases" as one way to deflect insults. Strip phrases are just shortened versions of calm answers. Examples are "preciate that" (for I appreciate that) or "understan tat," (for I understand that). These terms are followed quickly with "but let me see your license, please" or "step out of the car, please." The words following the "but" are designed to accomplish the officer's task. The strip phrases are used to calm the person, demonstrate empathy, and persuade voluntary compliance. The basic principle behind the strip phrase is to allow the opponent to let off verbal steam while still getting him or her to cooperate. While the officer is deflecting verbal abuse, careful attention to the opponent's body language is essential. The officer must be able to gauge if the person's emotions are escalating or de-escalating.

Thompson and Jenkins (2004) insist that when practicing verbal judo, the officer must always treat the person with respect, even if she or he does not deserve it. If the officer insults or "puts down" the person, this is likely to increase conflict and may lead to a violent encounter. It is often necessary to interrupt a person who is upset and shouting irrational insults, but it is not effective to shout at them, "Calm down or I'll cuff ya!" Instead, proponents of verbal judo suggest that the law enforcement officer interrupt with a paraphrase. To paraphrase is to take what a person has said, or has meant to say, and put it into the officer's own words. The officer can interrupt with something like, "Let me be sure I heard

what you just said,” and then paraphrase what the person said. There are many benefits to this technique, but one of the most beneficial ones is that it turns the situation into a dialog or conversation rather than a diatribe by one.

Thompson and Jenkins (2004) provided the following short-cut method, which they coined the “Five-Step Hand Style,” to remember the basics of verbal judo:

1. Ask (Ethical Appeal)
2. Set Context (Reasonable Appeal)
3. Present Options (Practical Appeal)
4. Confirm (Practical Appeal)
5. Act (Determination of Appropriate Action)

They also use the acronym LEAPS to help remember and accomplish the five steps:

L = Listen

E = Empathize

A = Appeal P =

Paraphrase

S = Summary

In the five-step process, the officer begins by asking for compliance and for an explanation of the situation from the individual he or she has encountered. Next, the officer establishes the context of the interaction with the member of the community by stating reasons for the police-initiated encounter as well as policies and procedures related to the encounter. By setting context, the law enforcement officer establishes professionalism. This step is followed by the presentation of options and not threats. If cooperation is not forthcoming, the officer confirms there is resistance to the options with a sentence like, “Is there anything I can say or do at this time to earn your cooperation? I’d sure like to think there is.” This sentence alerts other officers present that action is the next step and alerts them to appropriately prepare for that next step. If that confirming appeal fails, then the use of reasonable force can be employed.

In sum, verbal judo suggests that the law enforcement officer remains calm, deflects verbal abuse with strip phrases, and demonstrates empathy and respect. It also suggests paraphrases to interrupt the diatribe of the upset citizen. The use of paraphrases also demonstrates that the officer is actually listening to the person, which, in turn, helps to de-escalate a potentially volatile confrontation. Verbal judo is essentially a proactive technique that attempts to solve or work on the problem rather than simply reacting to it.

Verbal Judo’s Suitability for Police Work

In the field of psychology, the communication skills and attitudinal set suggested by Thompson and Jenkins (2004) are fundamental tenets of good communication. Carl Rogers (1942), the famous

American psychologist, made empathy, paraphrase, and respect (positive regard) cornerstones to his theory of change. Today, all psychological models now include them as foundational skills in building and bettering relationships and in improving communication and understanding (Norcross, 2002). Over 70 years of psychological research has demonstrated the importance of empathy, paraphrase, and respect in interpersonal encounters (Lambert, 2004).

However, verbal judo differs in one key aspect from Rogerian theory. Rogers emphasized the genuineness of the psychologist. He believed what the psychologist expresses should be consistent and congruent with his or her internal experience (Rogers & Dymond, 1954). In verbal judo, the officer does not have to be genuine; he just must appear genuine and be received by the other as sincerely interested in resolving the conflict in a professional and respectful way. The officer must be able to present options in a way that is empathic with the person's interests and will allow the person to cooperate and save face. Internally, the officer may be experiencing a variety of effects incongruent with this outward appearance.

Arguably, police agencies that espouse the tenets of community policing encourage officers to be more genuine and empathic toward citizens and their concerns. Building trust with community members is essential to the success of this approach, and verbal judo's emphasized communication skills of listening and displaying empathy facilitate trust and alliance building. For this reason, verbal judo fits well into a community policing philosophy and can be easily incorporated into an officer's arsenal of lesser forms of nonlethal force. Courtesy and professionalism, which are also byproducts of verbal judo, underscore principles of community policing and, thus, verbal judo is a practical tool for building positive relations with the public.

Verbal judo or tactical communication has been well-received by the law enforcement community. The Los Angeles Police Department, for example, has employed Thompson as a trainer as have over 700 other police departments (Thompson & Jenkins, 2004). Additionally, articles have been written suggesting the utility of the method (Brown & Maggio, 1997; Johnson, 2004). Admittedly, verbal judo is consistent with the broader philosophy of community policing, which emphasizes problem solving and community involvement (Bureau of Justice Assistance, 1994) as well as officer empathy toward citizens' concerns and professionalism, but it may not be suitable for all police work. Although the latter two elements should be present during all citizen-police encounters, verbal judo may not be suitable in situations that require the use of force due to imminent danger. Thus, physical force, even deadly force, may be needed to quell a potentially dangerous situation and to protect the lives of officers and others. However, since most police work does not require the use of physical force, including deadly force, when encountering citizens (Reiss, 1967; Sykes & Brent, 1983; Terrill, 2001), verbal judo is appropriate for most police work and may even be appropriate in the fight against domestic terrorism.

After September 11, 2001, the federal government called for an increased role for the community in the form of community crime prevention programs such as Neighborhood Watch (National Crime Prevention Council, 2002) and for officers to be more vigilant during routine patrol activities as well as to gather much needed information and/or intelligence to prevent homeland terrorism. Verbal judo promotes all of these goals because it teaches officers to interact with citizens in a positive way, even when encounters do not have the potential to escalate into verbal abuse such as during Neighborhood Watch meetings, and teaches officers to actively listen to citizens (Johnson, 2004), which is essential in gathering information to prevent any crime, including terrorism. A byproduct of positive interactions

with citizens, according to Purpura (2001), is that they will be more inclined to aid police in crime prevention and, thus, more inclined to share and report information to police.

Aside from its utility in enhancing an agency's commitment for community policing and its suitability for most work police engage in during the course of their day, verbal judo does not carry the potential for liability when compared to other lesser forms of nonlethal force. Also, verbal judo can potentially shield the officer from harm as this technique attempts to diffuse volatile encounters with citizens. Some of the most unpredictable encounters with citizens occur when officers respond to domestic violence calls. Over the last decade, 81 officers have been killed while responding to such calls (National Law Enforcement Officer's Memorial Fund [NLEOMF], 2008). Also, officers are physically assaulted more often when responding to such calls. In 2005, for instance, 30% of the 57,546 assaults on officers occurred while responding to domestic disturbance incidents (NLEOMF, 2008). Some agencies have incorporated verbal judo as part of their officer training curriculum and have advocated its use during domestic violence calls because it promotes officer safety.

Conclusion

Police are bestowed with the authority to maintain order and peace in society. At times, the order-maintenance and peace-keeping duties of police require using various degrees of force, including deadly or lethal force. However, the use of force is not always justified in all situations, and officers, as well as their superiors, may be liable for excessive use of force and/or liable for wrongful deaths due to unjustifiable use of fatal force. Accordingly, police agencies have turned to the use of lesser forms of nonlethal force, such as TASERS and pepper spray, to quell potentially volatile encounters with the public, but these ostensibly lesser forms of force also have the potential for causing serious bodily injury and/or death. Since legal accountability and responsibility remain plausible outcomes, some agencies have advocated that officers use verbal judo.

Verbal judo is the "gentle art of persuasion" and can be used by officers to diffuse potentially volatile situations. Admittedly, verbal judo may not be apt for all police-citizen encounters, but since most police work does not involve the use of physical force, verbal judo fits well within the parameters of routine tasks performed by police on a daily basis. Also, verbal judo complements the tenets of community policing and can be used in the fight against domestic terrorism as this technique encourages positive interactions with citizens and, as a result, encourages the public to report information to and share with the police. Additionally, verbal judo does not pose serious liability issues for the police and can shield officers from danger.

Endnotes

Only Maryland, Massachusetts, Michigan, Ohio, Vermont, Virginia, and West Virginia do not have state statutes detailing situations when officers are legally justified to use force. These states rely on common law to regulate officers' use of force.

2 Tom Swift was a science-fiction character admired by John Cover, the developer of the modern TASER.

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