HOBERMAN SERIES TRAINING OFFICER GUIDEBOOK

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MILO and Arcadia Cognerati Partnership

Arcadia Cognerati is the world leader in developing cognitive training content, leveraging both Human Behavior Pattern Recognition & Analysis (HBPR&A) and an understanding of the limits in human performance. Coupled with MILO, this strategic partnership creates a highly interactive, holistic training solution. Training that combines live and virtual experiences fully within the cognitive domain. Training that is highly adaptive to each agency and every individual.

With MILO's help, Arcadia can now take cognitive neuroscience and combine it with proven systems to create a new, never-before-witnessed immersive learning environment—within the same trainer—in order to fully realize what MILO has stood for since 2004.

Background

Sometimes, people who design training scenarios fall into a trap. They want to put an officer into a potentially fatal encounter with a hidden "jack-in-the-box" trigger moment, forcing the trainee to make a split-second, binary "shoot don't shoot" decision. True cognitive thinking is more like a Hoberman sphere than a linear "road map" toward a binary decision. Rather than trying to exactly replicate specific law enforcement interactions that led to a specific outcome, Hoberman is designed to optimize numerous possible outcomes and interventions in order to produce a variety of novel and distinct critical thinking insights that each lead to an acceptable outcome or decision.

One that is legal, moral, and ethical. One that is founded in cognition, science, and logic.

Hoberman allows any current user to log in to various tough-but-solvable subject matter-designed scenarios that create Multiple Interactive Learning Objectives that go well beyond the escalation or deescalation of force or "shoot don't shoot" decision-making.

The more you use Hoberman as an addition to your MILO system, the more you are teaching your brain to expand its threshold of "cognitive control," allowing you to explore numerous alternate futures; plan and rehearse new responses to brand-new or age-old situations; limit cognitive distractions in tense situations; and learn to alter your thoughts, biases and behaviors to achieve your goals.

The subject matter experts at Arcadia Cognerati created the Hoberman Series concept, and MILO brought it to life.

Together, the MILO Cognitive Division and Arcadia Cognerati created a never-before-seen, flexible, nonlinear and highly adaptive series of intense cognitive engagements designed to place law enforcement, court and corrections officers into tough—but solvable—fidelity-filled situations that will force them to make legal, moral and ethical decisions before a situation escalates.

These expertly crafted scenarios are "cognitively close enough" to a real encounter rather than a seemingly Hollywood-scripted, slicked-up "mini-movie" or a hastily produced, terribly acted video vignette where there are interchangeable weapons yet rigid, predetermined outcomes.

Each Hoberman Series scenario is designed to train officers to make better informed decisions in extremis. Decisions that, with the Hoberman training package, officers will be able to clearly articulate in a written report or on the witness stand.

Each Hoberman Series is designed with two critical components of ACT (advanced critical thinking): Cognition (thinking: acquiring knowledge and understanding through thought, experience and your senses) and Metacognition (thinking about thinking: the knowledge and regulation of your own cognitive processes).

Together, Hoberman allows the training officer and trainee to acquire, interpret, store and then use a set of specific, cognitively essential knowledge, skills and attitudes.

Hoberman allows the trainer and the trainee to manipulate and transform these essential skills for onduty use during any citizen contact, traffic stop or encounter—no matter how novel or challenging the circumstances.

The Hoberman Series is safe for any agency or community. Arcadia Cognerati specializes in profiling an anomaly, not an individual, group or culture; therefore, there is no chance for implicit bias during training.

The Purpose of the Training Officer Guidebook

The training officer guidebook gives you, the department or agency training officer, the ability to create a robust, fidelity-filled training environment for the officers and staff at your agency.

This guidebook allows you to implement the Hoberman Series training so that you and your personnel can practice making critical decisions almost immediately.

This guidebook gives step-by-step instructions and explanations of this first Hoberman Series scenario (Cut & Run). A separate and distinct guidebook will accompany each new Hoberman Series episode.

The training officer guidebook gives you suggestions that allow you to ask trainees specific questions about the scenario and the interaction of the participants. Further, it is flexible in the sense that you can tailor your questions to fit the policies and procedures of your specific agency.

As a training officer, you may choose to use all, or just some, of the suggested content based on the desired training outcomes and performance goals of your department.

You are probably the single most important facet of this new training tool. The power and impact of this interactive training scenario don't exist in the video or on the screen; it resides in you! With your help, your trainees will be talking about their Hoberman Series training long after their first exposure. The training aspects you deliver with Hoberman will positively influence their critical decision-making abilities in demanding situations for a long time to come.

Elements of Hoberman "Critical Thinking"

When used correctly, the Hoberman Series scenarios develop knowledge, skills, attitudes, aptitudes and abilities that allow trained officers to make better, more-informed decisions.

Hoberman training reinforces good habits and safe, positive interactions. Officers learn to establish a culture of understanding and de-escalation by viewing what "right" looks like and the consequences of wrong choices.

Together, these objective analyses and artifact and evidence based-evaluations of each Hoberman Series scenario will allow you to improve your trainee's abilities to make timely, logical decisions to complex interactions.

Tactical, Operational, and Strategic Thinking

Throughout each Hoberman Series scenario, the trainee is expected to consider how each tacticallevel decision they make can create both operational certainties and strategic unknowns.

That means the trainee will be forced to articulate how choosing a specific course of action will not only affect the outcome of the situation they are dealing with now, but how their action or inaction can affect their agency and their community, now and in the future.

Human Behavior and Human Performance

Each of the characters in every Hoberman Series scenario is scripted to demonstrate key human behavior-based cues, or pre-event indicators that the officer experiencing the training can see, hear or "sense."

Each element has been developed and integrated into this recording by the Human Behavior Pattern Recognition & Analysis experts at Arcadia Cognerati and skillfully captured by the Cognitive Division subject matter experts at MILO.

This guidebook gives you, the training officer, the ability to point out, amplify and articulate specific psychological, physiological and sociological indicators that, with this training, will help the trainee make better decisions using artifacts and evidence in support of reasonable conclusions.

Legal, Moral, and Ethical Considerations

This guidebook was designed with you, the training officer, in mind. Adhering to the spirit of the document will allow you to create and conduct highly structured discussions with your trainee on the legal, moral and ethical implications of their actions or their inaction.

Each LME (legal, moral and ethical) instructor note will allow you time and space to interject your own department or agency policies and directives regarding the ethical conduct and behavior of your officers.

Discussion Questions

Each section contains discussion questions where subject matter experts provide general talking points on key law enforcement-related topics. This is designed so that you, the training officer, can make each discussion more robust by specifying the tactics, techniques, procedures and policies of your agency.

These afford you the time to explore and explain topics covered in your agencies Field Training guides that your officers may never encounter on the street. It also ensures that you are able to fully explore and explain the standard that you are holding the trainee to during their post-incident training evaluation.

Each question was designed specifically to elicit trainee responses on a cognitive level.

This allows you as the training officer to adapt, modify, inform and influence the decision-making abilities of your trainee while fostering positive communication skills, sense-making and problem-solving skills and promoting a culture of psychological de-escalation.

We've given you likely ranges of responses from trainees so that you, the trainer, can use them to determine the proficiency level of the trainee.



Hoberman Series Episode 1. Cut & Run

Phase 1: Setting Up the Scenario

Proper setup of this scenario is paramount to the success of the training evolution. As the training officer, you need to be familiar with the operation of the MILO system and the specifics of the Cut & Run scenario. Knowledge of both will allow you to deliver the most effective training experience possible to your personnel.

Equipment Preparation

Perform each of these steps **PRIOR** to exposing trainees to the Hoberman scenario.

For optimal performance:

- 1. Review the Training Officer Guidebook.
- 2. Take the time to highlight and rehearse the specific points within the scenario where you intend to stop the Hoberman episode and engage in dialogue with your trainee.
- 3. Take the time to highlight and rehearse the specific knowledge, skills or abilities within the Hoberman Cut & Run Scenario that you will use to evaluate the trainee.
- 4. Turn the system on.
- 5. Perform a function check using the MILO product guidelines.
- 6. Ensure that the scenario is running properly and all controls are functional.
- 7. Ensure that the sound is functioning properly.

Trainee Preparation

Ensure that there are NO live weapons in the training area.

- 1. Meet the trainee outside and out of the room where your MILO system is located.
- 2. It is important to deliver the scenario pre-brief (below) to the trainee and answer or address any of the concerns or questions the trainee may have before the trainee enters the MILO system room.
- 3. Move back into the room where the MILO system is located.
- 4. Take your position in order to control the computer.
- 5. Direct the trainee to enter the room and ask them to be seated in their notional police vehicle.
- 6. Begin the scenario once all conditions have been met.

Instructor Note

Use simple props. For example, a chair can act as the trainee's police vehicle. A desk may be positioned as the front of the vehicle.

Cut & Run Scenario Brief to Trainee

Read the following information directly from the Training Officer Guidebook:

Background

No matter what conditions are depicted in the following interactive training video, consider this a low-light encounter.

It's 20:30 hours. You are halfway through your shift. You have been dispatched to an "Agency Assist" call.

An officer from a local jurisdiction has requested a cover car. You are the closest officer available to respond.

The police officer who initiated the agency assist call is Officer Hoberman. He is in plain clothes, wearing a police-issued raid jacket with adequate visible markings.

Officer Hoberman is an armed, sworn police officer wearing a department issued gun belt with department-issued police gear much like yours.

Officer Hoberman was returning from an off-duty police agency sponsored security assignment at a local sporting event when he called out at the location depicted on the map in front of you with "suspicious activity." Officer Hoberman is driving a semi-marked police vehicle.

To make this scenario easy to manage, consider that for training purposes that whatever gear, weapons or less-than-lethal alternatives you have, Officer Hoberman has, and vice versa.

You have the ability to use your police radio to contact a notional police dispatch center. For our purposes during training, I will act as dispatch.

You also have the ability to verbally request a "tactical freeze."

Instructor Note	A tactical freeze, or "Tac freeze," is similar to a cease-fire. When called by a training officer or trainee, it suspends all action so that a sidebar discussion can take place. The trainer will then restart the action, or "roll tape" backwards, and restart the scenario to allow the trainee to attempt a different strategy. This is unique to MILO and the Arcadia-inspired Hoberman Series.
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I can call a "tac freeze," or you can call a "tac freeze." This will temporarily stop the action and allow you to discuss strategic, operational or tactical replies, actions or decisions with me in order to address a specific confound within the scenario.

Time: Now

The Cut & Run scenario will begin from the perspective of you sitting in your patrol car; for our purposes, this chair will act as your police vehicle.

This desk or other chair will act as your dashboard, or the MILO system with the Hoberman Advantage will show you the following information on a virtual dashboard available for your review before you arrive to assist Officer Hoberman.

- A map view of the streets just outside of the location to which you are being dispatched. This map view will include street names and a directional arrow to demonstrate where you will park (to enhance your perspective). [Remember: To simplify this procedure, your map may be a piece of paper in a file folder or manila envelope at your desk/patrol vehicle].
- 2. A drone view of the exact map location where Officer Hoberman is "out with the subjects." For officer safety considerations, dispatch is reasonably familiar with the incident location and already has the 8-digit grid coordinates if you require additional support.
- 3. The most direct route to the scene has already been chosen. You'll actually see the scene from a distance and then a short video of you approaching the scene in your police vehicle. This is designed to familiarize you with the location before you exit your vehicle. Please pay attention as important observations or perceptions may be revealed during this phase of the video.
- 4. You can request anything you would normally request from your dispatch center. This includes fire, medical or additional police assistance.
- 5. Remember to call out when you "arrive" on scene. Your role in the scenario will begin once you exit your police vehicle.

[Now ask the trainee]

"Are you ready to begin?"

Phase 2: Scenario Execution

Background

Cut & Run is a play on words, using a street expression that can be explained in two ways. First, an old police expression used when officers discovered that their reasonable suspicion dissipated, they failed to establish probable cause, and now it's time to let these folks go; it's time to "cut and run." The second becomes readily apparent in this scenario. The tension and danger increase, and someone in the encounter may choose to flee— to cut and run.

The Hoberman Series Cut & Run scenario is designed so that it can be used multiple times with varying degrees of difficulty. As the trainer, you do this by using or alternating the following considerations or discussion points as the scenario develops and then plays out.

Make it clear that you or the trainee may call a "Tactical Freeze" (tac freeze) at any point during the scenario in order to:

- Ask questions
- Highlight certain training objectives
- Try a new tactic or approach
- Clarify your agencies specific policies or procedures as it relates to the behavior witnessed during the scenario

This is a unique function of the Hoberman Series designed to promote the cognitive sense-making and problem-solving abilities of the trainee.

Remember: The Hoberman Series isn't intended to replace other MILO scenarios on use-of-force or tactics, techniques and procedures. Hoberman scenarios such as Cut & Run are designed to stimulate and promote critical thinking in extremis.

Alternately, as the trainer, you may choose to have the trainee go through the entire Cut & Run scenario without any tactical freezes in order to evaluate their performance before considering the possibility of changing the training outcomes.

Cut & Run is not a typical "shoot/don't shoot" training scenario.

It was designed to force officers to think their way through a situation by compelling them to utilize all of the resources and options they have available to make a better, more informed decision in a challenging situation.

Spoiler: Do not disclose this information to the trainee. The central conundrum presented in Cut & Run is the duty or obligation to intervene with a seemingly out-of-control officer who does not seem to have probable

Potential Interaction Opportunities

Critical decision points are built into every Hoberman Series scenario. Cut & Run is no different. Below, we have provided potential interaction opportunities with associated discussion points. Each pertains directly to specific prompts within the scenario.

You may choose to use all, some or none of these suggestions. You can choose to ramp up or dial down the intensity level of the scenario based on the experience level of the trainee by adding or removing additional discussions.

Discussion points will appear as:

- Legal, moral, and ethical considerations will be depicted with a "blue" icon.
- Tactical, operational, and strategic considerations will be depicted with a "green" icon.
- Human behavior and human performance considerations will be depicted with a "orange" icon.



[Ensure that the trainee is ready, then begin the scenario].

Interaction Opportunity 1

Officer Hoberman says to the male subject at the left by the car; "You want to test me? Check that attitude, or you'll find out what happens."

The male subject responds, "I've done nothing wrong. What are you talking about?"

One of the subjects on the picnic table says, "Officer, are we free to leave?"

[Potential for tac freeze].



You have just walked into an ambiguous situation. What begins as an agency assist may end with a custodial arrest or a deadly force encounter.

You have been entrusted with an enormous amount of authority. That includes the authority to use or escalate force. That includes the ability to de-escalate almost every situation you encounter.

Every action you take must be legal. It is also highly recommended that your overall actions and appearance must be respectful to the community you serve and be in sync with the local priorities established by your local police agency and local government. Promoting transparency and accountability demonstrate to your community that you will act fairly and impartially in every instance.

You just heard one of the participants ask if they were free to leave.

If you have no reasonable suspicion or probable cause the answer is YES. Remember: You only have the right to detain a subject in order to establish the elements of the crime, investigate a crime in progress further and gather or safeguard potential evidence.

Does it appear that Officer Hoberman has probable cause at this point in the contact?

Discussion Questions:

- How do you determine whether or not an individual is free to leave?
- Take Officer Hoberman's perspective for a moment; does it appear that Hoberman's actions are legal, moral and/or ethical at this point in the contact? Explain your reasoning.
- Review Officer Hoberman's statements to the male subject. Are they appropriate for the situation? Could Hoberman's statements be considered a veiled or direct threat of violence?
- Note Officer Hoberman's stance. Does Hoberman's stance and use of his police-issued aluminum flashlight give insight into Hoberman's potential mental state? Explain your answer.



Instructor Note Hoberman's use of the flashlight to amplify his potential threat could be seen as an additional threat or intimidation.

Tactical, Operational, and Strategic Considerations

Police agencies provide assistance to other police agencies whenever reasonably possible. Whenever granted, the assistance offered must be consistent with the applicable laws and policies of the department providing the assistance.

In this instance, another agency requested assistance and dispatch sent you.

Your actions when rendering assistance must conform with the U.S. Constitution, federal, state and local laws, and your actions must be consistent with your departmental policies.

Discussion Questions:

- Review the definitions of tactical, operational and strategic considerations during a contact such as this. Which actions you have witnessed so far have tactical considerations? Which have likely operational implications? What strategic-level goal or goals is this street contact amplifying or supporting?
- Are there any tools/equipment/resources you may need at this point in the scenario?
- If you were to call dispatch, what resources might you request to support this contact at an operational level?
- This contact is a tactical-level interaction; how might it affect the operational environment in this community? How does this contact act to further the strategic goals of your agency or community?
- What are the sociological implications of getting this encounter wrong?

Human Behavior and Human Performance Considerations

Atmospherics are an important determination in any encounter. Coupled with available heuristic cues, biometrics, proxemics and your knowledge of the geographics of the area, you can make a number of determinations that will aid your sense-making soon after your arrival.

Consider the proximity of the individuals to Officer Hoberman or the proxemic interactions of the key players. What cues are present? Which participants seem actively involved?

Regarding the atmospherics:

- What are the sights, smells and feel of this area?
- What significant acts have happened at this location before? (Is there a history of gang activity, graffiti or violence in this specific location?)
- Are bullet holes, rubbling or graffiti present now? Would these observations be significant in this specific instance? How or why?





• Is today the anniversary of a special date? Could that be exploited by violence or civil disobedience to "make a point"?

Discussion Questions:

- Are the physiological stances of the persons assembled aggressive or passive? Explain your answer.
- Are the psychological stances of the persons assembled aggressive or passive? Explain your answer.
- What role might the graffiti play in this encounter? What additional facts would be necessary to establish probable cause?

Interaction Opportunity 2

Officer Hoberman responds to the male asking whether they are free to leave: "You can leave when I tell you that you can leave. Just sit there and shut up until I'm done with you."

The male on the left by the car interjects: "I just want to go home. You've got the wrong guy." The person who asked whether they were free to leave then says: "This is ridiculous. We have rights you know."

[Potential for tac freeze].



Legal, Moral, and Ethical Considerations

The question here is whether Hoberman has established reasonable suspicion or probable cause during this encounter.

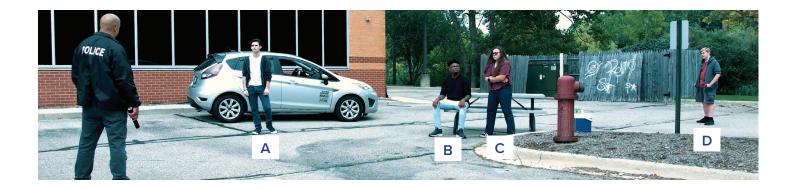
If Officer Hoberman has not, then he must allow the persons involved in this incident to leave or go on about their way.

Remember that reasonable suspicion requires that officers have an objectively reasonable basis for suspecting criminal activity before detaining someone. This scenario represents a detention.

Officer Hoberman has said and implied that the subjects are not free to leave.

For ease of use going forward, there are 4 subjects that Officer Hoberman is speaking with, let's call them A through D, left to right (Alpha, Bravo, Charlie, and Delta).

If the trainee asks or remarks about reasonable suspicion or probable cause—or if he or she doesn't, and you want them to—consider the following points to discuss.



People being detained have the legal right to ask whether they are free to leave. As it is abundantly unclear whether Hoberman has reasonable suspicion or probable cause, it would be right for you, the assisting officer, to question Hoberman's intention and justification.

You can tell the trainee the following information at this time. Remember that each of the characters in the scenario has been given the ability to make the following remarks.

1. Yes.

2. No.

3. I don't know.

4. OK.

Some characters also have the ability to give additional dialogue to assist you in answering your trainee's questions or comments.

- 1. Officer Hoberman can say, "They are suspected of vandalism (pointing to and indicating the graffiti on the wall in the dumpster/power box alcove). You would use this remark to create a scenario spiral where Officer Hoberman DOES have reasonable suspicion or probable cause.
- 2. Officer Hoberman can say, "Not yet." You can use this to answer trainee questions such as, "Officer Hoberman, do you have reasonable suspicion or probable cause?" You could also use it to answer related questions such as, "Do you have any evidence they were involved in the graffiti?" or "Have you searched them yet?" This response from Officer Hoberman allows you to tailor the responses in the scenario to achieve your training goals.
- 3. Officer Hoberman can say, "Gimme a second." You can use this to delay Officer Hoberman. You can use this as an answer to a trainee question such as, "Are they free to leave?" To which Hoberman could pause and think, responding, "Give me a second," and so on.

- 4. Character A (Alpha) to the far left of the scene by the car is programmed to say, "We're just hanging out," in the event your trainee asks Alpha a question. This could be a response to your trainee asking, "What are you up to?" Further, Alpha can motion toward the wooden wall by the dumpster/power box enclosure and remark, "That was here already," indicating that the graffiti was present before the group's arrival.
- 5. Character B, in this instance, the female (Bravo) can also say, "Can I call my parents?", and "Yeah, they're my friends." The trainee may ask if the female is OK, or whether she knows the other members of the group. These would provide appropriate answers. At one point in the scenario, when Officer Hoberman is being aggressive, the female (Bravo) says, "I don't feel so well." This may be medical, mental or emotional. During an interaction, your trainee may suggest someone picking her up from the incident location. You as the trainer can have her answer, "Can I call my parents?"
- 6. Character C, (Charlie) is programmed to respond, "Am I being detained?" This can be used by you to prompt the trainee to directly answer Charlie or ask Officer Hoberman whether he has reasonable suspicion or probable cause to continue the contact. Charlie can also say, "What's your badge number?" Remember that using this can increase the anxiety, tension or gravity of the situation and allow you, the trainer, to ask another series of spiral-questions related to the sociological impact of this contact.

The Hoberman Series is unique as you can alternate the questions or answers to change the operational or strategic outcomes of this encounter.

Instructor Note

Hopefully at this point in the scenario, your trainee is beginning to understand that Officer Hoberman is being aggressive and may not have probable cause to continue the contact in a legally acceptable manner. If your trainee asks you or Officer Hoberman, "Why did you initiate this citizen contact?" (or words to that effect) read them the following narrative.

Officer Hoberman's Narrative Explaining His Citizen Contact

"I'm Officer Hoberman. I was coming home from a department-authorized off-duty detail in a semi-marked, department-issued police vehicle. I noted that lights and noise were coming from a parking lot adjacent to 623 and 625 Avis Road in Ann Arbor, Michigan.

I know from previous alarm calls that this large commercial building is vacant and for sale. As I drove closer to investigate whether a break-in was in progress, I noted four younger citizens by a picnic table near the back of the building.

I approached to assess the situation, and I made the following observations and drew the following conclusions.

- 1. What appeared to be a six-pack of alcohol, likely beer. As I got close enough, I noted that it was soda.
- 2. A cooler on the ground near the group. I figured this cooler might contain more beer. Remember, at this point I wasn't sure if these kids were underage. As I got close enough, I noted all the kids were mid-to late-twenties—probably college kids from the local university.
- 3. When I got out of my patrol vehicle to contact them, I didn't smell any weed or alcohol, and I didn't see any indications that they were drunk or high.

- 4. The kid they call Alpha, on the left by the car, looked familiar to me. Not from a prior police contact, though. Something in my personal life.
- 5. I also noted that there was graffiti on the wall behind the kids. Couldn't make it out, and I don't remember if it was the same graffiti I noted at this location when I did a burglary alarm check some weeks earlier.
- 6. I know that the large, vacant for-sale building also abuts public property on three sides along the river. There are hiking paths and workout stations; people also fish here all the time. I wasn't sure whether they were on public or private property.
- 7. The parking lot for this company before it went out of business was commonly used by citizens visiting the park on the south side of the property. The business owners never complained."

[End of Officer Hoberman's statement]

The above statement gives you, the training officer, another series of questions to ask your trainee.

Q: Do you think that Hoberman had reasonable suspicion to get closer to the vacant building to check on possible criminal activity in progress?

A: The answer is yes. At this early stage, it would be right for Hoberman to call in the suspicious activity and get closer to make a professional assessment of the likelihood that crime was afoot. At that time, the Officer could either request additional units or note that there was no need for intervention.

Q: Does Officer Hoberman have the right to open and search the cooler?

A: The answer is no. Hoberman hasn't created sufficient probable cause to link the cooler to the subjects or assume that the contents of the cooler may be illegal or contain contraband.

Q: What additional facts would allow Officer Hoberman to logically link the graffiti (a potential act of vandalism) to this group of citizens?

A: Hoberman would need to smell ketones or fresh paint, see partially empty or full cans close by or perhaps paint on the hands, skin or clothing of the citizens.

These are just a few of the many questions that your trainee should be able to answer at this point. As the training officer, create additional question or work with your FTO (field training officer) to create additional legal moral or ethical questions to add to this scenario.

Remember, police are bound to a number of important standards.

Reasonable suspicion and probable cause (above), due process (the Fifth Amendment protection through the federal government) states that no one shall be deprived of life, liberty or property without due process of law. That means that all people are allowed their turn and their say in court—no matter what the charges. The Fourth Amendment also protects all of us from unreasonable searches.



Officer Hoberman had every right to get closer to determine whether he was witnessing a crime in progress.

Discussion Questions:

Ask your trainee:

Q: Was it prudent for Officer Hoberman to approach the group without waiting for a cover officer?

A: Officers in some jurisdictions don't have cover officers. In this instance, where Officer Hoberman requested an additional officer, the safest bet would have been to await the arrival of the cover officer. It's also not safe or tactically sound to interrupt and just start questioning Officer Hoberman's authority—that is, unless you have a duty to intervene because you see an unsafe or illegal act taking place.

Ask your trainee whether they heard any tension or anxiety in Officer Hoberman's voice during the exchange with Alpha.

Remember, a police officer can approach anyone without any legal basis and ask them questions. That person must then choose to answer (demonstrating consent) or refuse (indicating that they do not consent).

Additionally, it's important for your trainee (the assisting officer) to consider safety, potential positions of cover, the threat posed by the unfolding situation and the conduct demonstrated by all of the participant.

- Simply, is it likely that a crime is in progress or that a need for police intervention is required or necessary?
- Is Officer Hoberman likely conducting a legitimate preliminary investigation covered by reasonable suspicion or probable cause, or is officer Hoberman on a "fishing expedition" or off-duty vendetta?

Once your trainee has answered the questions posed in an appropriate manner, choose to either begin the session again (in the event the trainee missed some clues or cues, or that the trainee wants to change their initial verbal responses and try a new approach) or continue the scenario to the next interaction opportunity.



Human Behavior and Human Performance Considerations

It's interesting that Hoberman appears agitated and seems to be verbally sparring with Alpha. This seems both unprofessional and unwarranted. Being stopped or contacted by the police is a stressful experience, here seemingly exacerbated by Hoberman's attitude.

You don't know what occurred just before your arrival, so it's generally safe to draw your own conclusions based on the artifacts and evidence present at the scene. This includes the demeanor of all the persons present, their physical condition and that of their clothing, and whether smells indicate that alcohol or drugs may be present.

Discussion Questions:

- Since your initial interaction, have there been any changes in the psychological stances of the subjects being contacted?
- Since your arrival, have there been any changes in the physiological states of the suspects?
- How might these changes affect the sociological balance of your community?
- Since your arrival, have you noted any psychological changes in Officer Hoberman?
- Since your arrival, have you noted any physiological changes in Officer Hoberman?

Remember, the late hour, long shift work, lack of sleep and lack of nutrition could be a factor in your physiological or psychological reactions to external stress.

Interaction Opportunity 3

Officer Hoberman seems aggressive. Perhaps more aggressive than the scene or encounter calls for.

Officer Hoberman says to Alpha, "Your attitude sucks. I should just hook you for disorderly. That would fix your attitude really quick." The officer is indicating toward Alpha with his department-issued aluminum flashlight in what may be construed as a threatening manner.

Alpha responds, "For what? You haven't even told me why you are hassling me?"

Then Bravo states, "I don't feel so well," clutching her stomach or core.

Just after this, Charlie says, "Arrest him? He's done nothing wrong. We have done nothing wrong," and again asks, "Are we free to leave?"

[Potential for tac freeze].



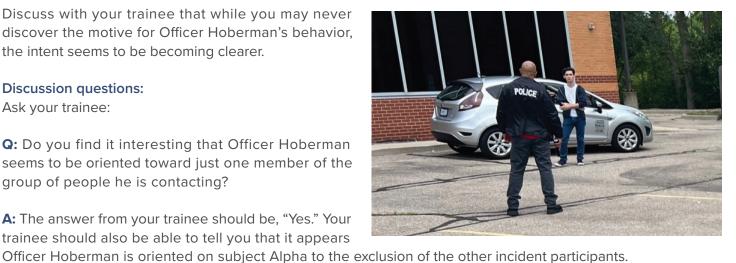
Discuss with your trainee that while you may never discover the motive for Officer Hoberman's behavior, the intent seems to be becoming clearer.

Discussion questions:

Ask your trainee:

Q: Do you find it interesting that Officer Hoberman seems to be oriented toward just one member of the group of people he is contacting?

A: The answer from your trainee should be, "Yes." Your trainee should also be able to tell you that it appears



Q: As a sworn officer, do you have a duty to intervene if you witness an out-of-control officer acting in an illegal or unprofessional manner?

A: Yes. At this point it appears that Officer Hoberman may be violating the rights of a number of citizens in your jurisdiction, in your community.

Q: Could you be charged with a crime or found guilty of an administrative procedure (for example, violating your department policy) for not intervening?

A: Yes, to both. In this instance, I must quickly balance the artifacts and evidence before I decide, but then I must be decisive and act, intervening on behalf of the law, the rights of the citizens and my departmental policy.



Tactical, Operational, and Strategic Considerations

Part of your job as a police officer is to demonstrate that there are systems in place to detect mistakes or abuses of police authority. Public trust and cooperation are key elements of effective policing. Public trust will be lost when officers engage in unconstitutional or unprofessional conduct. Here, it is clear that you may have a duty to intervene.

Discussion Questions:

- If you have established that you have a duty to intervene, how would you proceed?
- At the tactical level, what steps could you use to de-escalate this situation?
- How would or could you address the citizens that Officer Hoberman has contacted during this encounter?
- What are the strategic implications of NOT acting to intervene?

Human Behavior and Human Performance Considerations



Officer Hoberman states that he is willing to "hook someone up" for disorderly conduct. Does that seem reasonable during this encounter?

Is it legal for Officer Hoberman to make what appears to be a threat to arrest Alpha?

It appears that in this instance, for whatever reason, Officer Hoberman is willing to go against the law, defy good police tactics and flaunt ethical behavior to achieve his goals. This behavior is wholly unacceptable. In fact, you should be prepared to testify to "how and when" Officer Hoberman made these comments.

Discussion Questions:

- Is it reasonable to assume that Officer Hoberman is getting overwhelmed by this situation? Explain why.
- What indicators are present that would support your conclusion that Officer Hoberman is out of control?
- What indicators are present that would support your conclusion that Officer Hoberman is in complete control?
- What factors are present that could be adversely affecting both Officer Hoberman's performance and your performance?

Q: Under oath, Officer Hoberman may state that his comments were taken out of context and therefore meaningless. How can you contradict this?

A: Your observations aren't hearsay. You are a relevant, material witness to this incident. Therefore, it is incumbent upon you to be able to describe the demeanor and physical characteristics of each person in play during this encounter. You need to be able to write a factual, detailed report, including and describing those characteristics, the artifacts and evidence that aided you in making the determination that Officer Hoberman was out of control, and you needed to intervene.

Interaction Opportunity 4

Officer Hoberman says to your trainee (the assisting officer in this scenario), "Do me a favor officer, keep an eye on the crew by the picnic table. I have some more questions for them.

Alpha replies, "Just let us go on our way. You won't see us again; I promise".

Bravo replies, "I want to go home." Charlie answers, "You've already asked me all the questions you are going to. Am I free to leave?"

[Potential for tac freeze].



This is the third time that a member of the picnic table crew has asked whether they are free to leave.

Discussion questions:

Q: This is a situation of police detention, even though no physical force was used to detain the participants. Is the fact that Officer Hoberman is restricting the personal freedoms (freedom to leave) of the participants a violation of the law?

A: Yes, because Officer Hoberman does not, has not or cannot explain his reasonable suspicion or probable cause since he determined no likely crime was in progress, he is on a fishing expedition for some other reason. Based on his actions, you could both be charged with false imprisonment (which can range from a misdemeanor to a felony).

Q: What determines whether I could be charged with a misdemeanor or felony?

A: Usually the determination between the severity of the charge is whether the defendant (likely you if you don't intervene) or Officer Hoberman used force—or threats of force—to confine or detain the alleged victims. Officer Hoberman is using threatening language and waving his flashlight in what could be construed as a threatening manner.



Tactical, Operational, and Strategic Considerations

You are not just an assisting officer; you are a sworn officer in your own community observing an injustice.

Discussion Questions:

Q: Was apparent force or a threat of force used?

A: Yes. All three persons being contacted at one time or another stated that they wanted to leave and one asked repeatedly whether they were free to leave. Officer Hoberman responded he was willing to arrest one of the citizens "just to demonstrate that he can." That is a threat.

Instructor Note An arrest is a use of force. Therefore, Hoberman threatened a use of force and then continued to illegally confine the park crew. Officer Hoberman also tells the crew, "You can leave when I tell you that you can leave." Here, Officer Hoberman's statements are clear: You (indicating the subjects in the park) are not free to leave.

Your trainee should come to the conclusion that based on the likelihood that Hoberman has no reasonable suspicion or probable cause, his actions are now against the law and most certainly against your departmental policy.

Human Behavior and Human Performance Considerations



Mirror neurons modulate activity in two ways: first, when you execute specific atomic actions, and next, when you observe the same or similar atomic action performed by another.

The reverse is true. That means not only can we generate our own actions to prompt or demonstrate understanding or empathy for someone else's motor action, but that we can use our mimicry to help understand and interpret the actions of others.

Understanding and using your mirror neurons during a contact can help you understand the psychological stances of the other participants and psychologically de-escalate the situation by offering a less aggressive alternative behavior.

Interaction Opportunity 5

Officer Hoberman asks Alpha, "So, where were we? Who was that girl I saw you with last week? The one outside the car wash?"

Alpha answers, "I'm telling you it wasn't me. I don't live anywhere near the car wash."

Bravo says, "This is getting monotonous"—likely indicating that this line of questions from Officer Hoberman was occurring before your [the trainee's] arrival.

Charlie reinforces this likelihood when he says, "Asked and answered, your honor. Seriously, we've covered this already. We don't know the girl you are looking for."

Officer Hoberman issues what appears to be another threat, saying, "Maybe I'll catch you two together, then you can answer some questions," to Alpha.

Officer Hoberman looks at your trainee and says, "I'm close to cutting these kids free. Hang with me for just a minute longer." Then adds to Alpha, "How about we toss your car and see what we find?"

Alpha answers, "I told you I didn't do anything. Can you just let me go now?"

Bravo says, "I would like to go home, too."

Then Charlie objects, "Hold up. It's my car, and I don't give you permission to search it."

[Potential for tac freeze].



Trainee, you don't know what occurred before your arrival, but by now you should be getting a sense that Officer Hoberman is not conducting a legal investigation into a crime in progress.

Without a demonstration of an illegal act, continuing this contact makes no logical sense.

Discussion questions:

Q: Let's assume for the sake of argument that Officer Hoberman truly has proof of an ordinance violation. For example, being in the park after hours or loud noise after hours. What should Officer Hoberman do?

A: Since jurisdiction might be a consideration, Hoberman could ask his fellow officer to issue a citation. In rare cases, Officer Hoberman could ask you to make a custodial arrest, where Hoberman would become the complainant and the witness.

Q: It seems that Officer Hoberman is continuing the contact with no basis or grounds to do so. He's now seeming to extend his "investigation" to include the vehicle that is present. Where do you draw the line? intervene) or Officer Hoberman used force—or threats of force—to confine or detain the alleged victims. Officer Hoberman is using threatening language and waving his flashlight in what could be construed as a threatening manner.

A: In certain circumstances (for example, the issuance of a citation), it would be appropriate to ask the subject to provide identification. Failure to do so, or providing false identification about their name or date of birth, could constitute a crime. Further, while asking for identification, a crime may be uncovered when you find that the subject you are contacting has an outstanding warrant for their arrest. Yet, while these situations occur during the normal execution of a police contact, Officer Hoberman's conduct in this case would not survive a legal challenge. Officer Hoberman has no justification for this continued detention.

- Would that conclusion become reasonable if Officer Hoberman would have seen a destruction of property or vandalism in progress as he pulled up to the scene?
- Could Officer Hoberman have stated his actions were based on the prospect of preventing underage drinking?



Tactical, Operational, and Strategic Considerations

Civilly, Officer Hoberman is committing a "color" offense.

"Under color of law" (authority) means that Officer Hoberman truly believes he has the authority because he is a police officer. This claim is based solely on the fact that he is legitimized by his role as the agent of the police yet not covered by local, state or federal law.

Remember that the longer this contact is allowed to play out, the more chances for violence, increased civil litigation or establishing or continuing a mistrust of law enforcement with the public or in this community is likely.

You are acting as a cover officer on an agency assist. You must (diplomatically, if possible) quickly advise Officer Hoberman that his actions and your continued participation in the contact must cease.

Discussion Questions:

- What can you do at a tactical level to de-escalate the situation right now?
- What would you say to Officer Hoberman?
- What would you say to the individuals that you have contacted?

Human Behavior and Human Performance Considerations

Fear and anxiety are increasing. This is evident in character D (Delta), who is in back and to the right of the picnic table.

It's also a reasonable conclusion that Bravo's "sickness" is in response to or a result of Officer Hoberman's threat and aggressive stance as no other indications of illness or reasons or causes of sickness are reasonably present.

As the assisting officer you have both the right and obligation to ensure that Bravo doesn't need mental or medical care at this time.

- **Q:** How would you accomplish this?
- A: I could ask whether Bravo needs medical attention. I could ask her to explain why she's feeling sick.

If the anxiety continues, Delta might act up or act out. In fact, in this instance, increasing the anxiety may lead to disobedience or violence.





Q: Do these citizens have the right to resist you and Officer Hoberman?

A: No. Not in this context. At this time, the situation in progress is a detention not an arrest. It does mean that you are not free to leave. If the officer's actions are wrong or illegal, you can legally resist an unlawful arrest. Yet the safest time to do so is after the contact and when you are safe and no longer feel threatened.

Q: So, you are saying that Officer Hoberman had the initial right to contact these citizens but that his rights to continue the detention faded once he noted that there was no apparent crime in progress?

A: Correct. If a police officer has reasonable suspicion that you have committed a crime there is no set time limit. The law allows officers to detain you for "a reasonable period of time while they conduct an investigation." If the police reach the level of probable cause that you committed a crime, they can arrest you. They will otherwise have to let you go.

Q: Should I, the trainee, just wait it out and see where this contact goes?

A: No. The demeanor of Officer Hoberman indicates that he isn't following legal precedent or protocol. This means that continuing this contact can only continue at the peril of both officers and increase the danger to the public.

Discussion Questions:

- Has Officer Hoberman become overwhelmed by the situation?
- Give me indicators you witnessed that would support your conclusion that Officer Hoberman is either in complete control of himself and the scene or that he has lost control of the scene and himself.
- What factors are affecting Officer Hoberman's performance?

Interaction Opportunity 6

If your trainee intervenes, the following dialogue will occur and the scenario will come to a positive conclusion.

Officer Hoberman will look at your trainee and say, "OK, yeah, by all means, you take this one over."

The characters in the scenario will display immediate relief and Alpha will say, "It's about time. Finally, a voice of reason." Alpha will look at the trainee and say, "Thanks for helping us out, officer."

Bravo will display relief and say, "Thank goodness."

Charlie will say, "Thanks, sir. This got out of hand for no reason at all. We didn't do anything; we aren't troublemakers."

Delta will stick around and give a sigh of relief.

[Potential for tac freeze].

Legal, Moral, and Ethical Considerations



It's time to intervene.

Discussion topics for the intervention with Officer Hoberman:

Be diplomatic, if you can, but be insistent.

You must advise Officer Hoberman that his conduct and actions are against your departmental policy, and therefore, you must report him and notify your supervisor immediately.

You should advise Officer Hoberman (diplomatically and as safely as possible, but quickly as to save face and demonstrate fairness) that his actions are likely illegal.



You may choose to cause a real-life tactical freeze, literally asking everyone to stand by and stay calm for a moment, then move with Hoberman to a safe location where you can speak freely and continue to monitor the picnic table crew.

Discussion Questions:

Q: Is it logical to assume you'll have to notify dispatch? If yes, what would you say?

A: In this instance, it's highly likely that you will have to notify dispatch, notify a supervisor, or both.

Q: You may have to interrupt Officer Hoberman. You may have to be more forceful if he won't listen to reason. Should you attempt to go this alone?

A: No. Get dispatch to send a supervisor to your scene. We recommend that you request a supervisor from both Officer Hoberman's agency and your own. That is the most diplomatic way to handle this intervention. Officer Hoberman's supervisor must be notified.

- What would have to be present for Officer Hoberman to legally search the vehicle?
- Note that the presumed owner of the car spoke up and does not give consent. What are the implications of continuing without a warrant?



You are not going to make any friends questioning the legality to the moral or ethical motivation of a fellow officer, especially one from a neighboring jurisdiction. That's not the point. You are witnessing an injustice, and you must intervene before more damage is done.

Officer Hoberman continues to demonstrate an aggressive attitude toward the group, and you still don't know why. If you fail to intervene, you could be guilty of being complicit.

Vicarious guilt can be avoided if, after a fast, logical appraisal of the situation, you decide to remain independent and insist on either a demonstration of reasonable suspicion (or probable cause) or request that Officer Hoberman release the subjects.

By immediately breaking contact until such time that reasonable suspicion or probable cause can be established or an independent party alleging criminal activity comes to light, you'll ensure that no further infringement of rights occurs.

Moral of the story? It's better to hurt Officer Hoberman's feelings now than to face civil or criminal charges in the near future. Further, it only takes one incident such as this to destroy all the positive work police have established within a community. It's wrong, and it must be fixed.

Discussion Questions:

- It's not your jurisdiction. Should you write a report on this incident or just add it to your log sheet?
- In this branch of the scenario, Officer Hoberman sees reason and allows you to take over the scene. Do you still need to report Officer Hoberman?
- Is it OK to ask the citizens to just leave and forget about this incident?



Human Behavior and Human Performance Considerations

In this "positive outcome" branch, Delta relaxes as his anxiety eases. That is likely due to your (the trainee's) intervention. While we don't know what was creating the visible inner turmoil, it's increasingly likely that Officer Hoberman's aggressive "investigation" was exacerbating it. Increased tension without resolution will likely create an atmosphere where the likelihood of violence increases.

Remember that someone can get hurt during a sit-in.

Here, in a parking lot with a number of people present, just a wrong word or move might needlessly escalate the danger.

Discussion Questions:

• Which "Left of Bang" signals or pre-event indications could indicate that these four people in the parking lot were working in tandem?

• Other than likely knowing each other (because they are in the same place at the same time), did any of these citizens exhibit a singular or concerted effort to conceal a crime or evidence, or resist in any manner?

Was there ever a time that you witnessed suspicious or nefarious activity that led you to believe that violence was imminent? Please explain.

Was there ever a time that you felt that the evidence suggested that a crime was in progress or that these four individuals harbored criminal intent? Explain?

While it's highly unlikely in this situation that Officer Hoberman would use force against a fellow officer, you should be prepared. Describe the cues associated with anger, an escalation of tension or potential violence for which you should "be on the lookout."

Interaction Opportunity 7

If the trainee fails to intervene, or you choose to demonstrate what would happen if the trainee failed to intervene, the following dialogue will occur, and the scenario will come to a negative conclusion.

Officer Hoberman will look at your trainee and say, "Do me a favor (points to Delta), get me a name, DOB and home address for that guy in the back."

[Delta alerts on this statement and takes off running to the northeast].

Officer Hoberman yells, "Hey, stop that guy. ... Dispatch, we have a runner."

[Potential for tac freeze].

Legal, Moral, and Ethical Considerations

The cover officer has no reason to chase the subject on foot.

No apparent crime has been committed and there are no indications of a crime being afoot. To chase may create a situation where the runner, the officer or another officer or a member of the general public is injured.

Without (at least) reasonable suspicion, it would be wrong to chase this subject on foot.



Q: An argument could be made that the subject is running because they are in possession of contraband or they have a warrant out for their arrest.

A: That's no argument. You do not know whether they have contraband or a warrant. You have to establish probable cause, and running isn't enough. People can run from the police for any number of reasons. You must have some articulatable reason or evidence before initiating a foot pursuit.

Discussion Questions:

• What are some of the bad things that can happen during a foot pursuit? To the officer? To the subject running? To citizens in the community?



- In this instance, the geographic location has a number of ponds, lakes and rivers in the immediate vicinity. What additional layer of concern does this pose for you?
- How would you call off the resources likely now on the way to assist Officer Hoberman and stop Delta?



Tactical, Operational, and Strategic Considerations

You should always consider that your behavior, actions and statements are being observed and recorded.

Discussion Questions:

- What steps can you take to assure your community that your agency understands that Officer Hoberman's conduct is unacceptable?
- What precautions can your agency take to ensure that this conduct will not happen again?

Remember. Sociological damage has occurred, and the proximate cause is Officer Hoberman's conduct and behavior. It's up to you to ensure your community is safe from unreasonable contacts and officers that threaten arrest or unnecessary violence during an encounter.



Human Behavior and Human Performance Considerations

Consider that without intervention (officer to officer, supervisor to officer, etc.), this contact escalated to a point where lives now hang in the balance. Other police officers in the area may increase their speed to Officer Hoberman's location, increasing the likelihood of a traffic accident or fatality.

Delta may run into traffic and be hit and killed by a car, causing psychological trauma to the police involved, the citizens and community and Delta's next of kin.

An officer may escalate force in order to capture Delta.

Officers (including your training officer) may draw their weapons or less lethal weaponry in order to maintain control of the picnic table crew even though they haven't demonstrated any resistance.

Just the mere "running" action of one of their crew could raise the level of anxiety to a point where common sense is abandoned and resistance, obstruction or violence is possible.

Discussion Questions:

Q: What's a good rule of thumb for situations such as these?

A: Use your training, experience and other relevant factors and continue to operate at the lowest level of force and intervention possible to get the job done—to achieve your agency's strategic goals; to comply with the law.

- Were heuristic cues available that would lead a prudent person to believe that Delta was going to run?
- If so, how could you have de-escalated the situation so that Delta might choose not to run?
- Did the atmospherics or proxemics of this incident indicate or demonstrate that Alpha, Bravo or Charlie were attempting to distract or interfere with you (the trainee) or Officer Hoberman in order to assist or facilitate Delta fleeing on foot? Describe these indications.

[You have come to the end of Cut & Run, Hoberman Series scenario 1. Please continue to the conclusion].

Conclusion

We tried here to create a challenging, entertaining way to improve the cognitive capacity and critical decisionmaking abilities of your officers or staff. Cut & Run was a situation where an officer first has reasonable suspicion, and then, while trying to elevate that to probable cause, falls short of the mark.

The right thing to do would have been to close the contact once it was determined that no illegal activity was in progress and no crime was afoot. While Officer Hoberman was right to check into a possible crime, he was wrong to turn it into a detention, a violation of rights and a negative experience for everyone.

Imagine the positive spin that could have occurred if Officer Hoberman would have turned the encounter into a positive citizen contact.

Consider if Officer Hoberman would have said,

"Hey folks. I noticed you back behind this vacant, for-sale building after-hours and just stopped by to ensure that no crimes were in progress. I also saw that graffiti and wanted to make sure no vandalism was taking place. Now that I've seen that nothing illegal is in progress, I'm going to be on my way. Have a safe night!"

Officer Hoberman would have satisfied his tactical obligations, met his operational imperatives and satisfied his agencies strategic goals.

ANNEX A. Cut & Run Likely Outcomes Overview

Legal, Moral, and Ethical Considerations

Law enforcement officers have a "duty to intervene" whenever they have an opportunity to prevent another officer from using unlawful force. The question here is whether a fellow officer has the duty to intervene when they know or should know that the officer they are assisting is likely on a fishing expedition and no longer has probable cause to continue the detention. Without a de-escalation strategy, the anxiety at this scene is likely to increase, endangering all parties. Is the juice of continuing this contact worth the squeeze? Is the contact becoming an illegal act (or potential civil action) by allowing it to continue? If it's a fishing expedition, it's time to Cut & Run before rights are violated and someone gets hurt. You can stop Officer Hoberman and right this wrong.

Tactical, Operational, and Strategic Considerations

It's apparent that Officer Hoberman is likely and needlessly escalating a situation where it is still unclear whether probable cause is present. It's wrong for Officer Hoberman to continue a detention until such time that he has established that there may be elements of a crime. That's not how it works. Based on Officer Hoberman's training, instincts and the presence of artifacts and evidence within his surroundings, Officer Hoberman should deal with this contact exhibiting humanity, dignity and compassion. None of that is present here. The assisting officer needs to make some fast decisions. Should he or she notify an on-duty supervisor first or try talking with Officer Hoberman about his conduct first? Should the officer direct Officer Hoberman to step away and discuss breaking contact before the situation spins further out of control? You can stop Officer Hoberman before this situation gets out of hand.

Human Behavior and Human Performance Considerations

As the scenario unfolds, it's increasingly apparent that Alpha poses no apparent immediate threat. Alpha wants his "say" not his "way." You have witnessed Alpha being compliant. It's abundantly clear that Bravo poses no immediate threat, and while sometimes vocal, so far Bravo has complied with every command. Charlie is a little more vocal than Bravo, yet Charlie has made no m ove to interfere or resist in any way. Delta is quietly observing. Watch Delta closely, and you'll see physical cues, atomic actions and indications that Delta is becoming anxious and agitated and may be considering leaving. Movements toward the officers to harm either one of them that would facilitate things, such as reaching into clothing to produce a weapon, balling of fists, bending of knees or changing their orientation by moving their cores or feet, are not apparent, and that is noteworthy. If you are close enough, the change in facial muscles or body posture is evident while the subject is mentally rehearsing attacking or being aggressive. None of that is present.



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