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CROSS-CULTURAL AGILITY IN LAW ENFORCEMENT: TYING
IN THE INTERLOCUTOR'S CRAFT

by

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Biography

Lieutenant Colonel Brian M. Alexander is assigned to the Air War College, Air University, Maxwell AFB, AL. He entered the U.S. Air Force in 2000 as a security forces officer leading law enforcement and nuclear security missions. In 2003, Lt Col Alexander became a special agent with the Air Force Office of Special Investigations (AFOSI). He has varying AFOSI experience in-garrison, deployed, and in war. Special Agent Alexander commanded AFOSI detachments in Massachusetts, Montana, Alabama, Oman and Afghanistan. He additionally served on the Air Staff at the Pentagon, in the U.S. Embassy-Beijing Defense Attaché Office, and in joint duty as both U.S. Strategic Command's Deputy Chief, Counterintelligence and Human Intelligence Division, as well as the Command Counterintelligence Coordinating Authority. In 1999, Special Agent Alexander graduated from Michigan State University, earning a Bachelor of Science in Interdisciplinary Studies in Social Science – Law & Society, with a Business emphasis and Sociology cognate; there he also earned his U.S. Air Force commission. He holds a Master of Criminal Justice from Boston University and a Master of Military Operational Art and Science from the Air Command and Staff College.

Abstract

Cultural diversity is an enduring feature of America's complexion. This leads to dynamic and culturally-diverse environments that impact America's law enforcement community – from federal and military investigative agencies to state and local police. The social dimension in policing, the chaotic and non-linear nature of dealing with human behavior, and cultural complexities all contribute to how contextual and specific the policing profession tends to be. Slight changes or shifts in variables can make law enforcement activities unpredictable, escalatory, and disorderly. As a result, law enforcement requires more intellectually-sound, sophisticated and improved cultural skills for engaging diverse populations. This paper introduces a Venn diagram to illustrate the interconnected associations amongst community policing philosophies, cultural competencies, and diplomacy-minded negotiation techniques. Law enforcement's optimum balance for a successful intercultural one-on-one engagement resides at the confluence of these parts. This includes the ability to be better cross-culturally skilled in interviews, interrogations, and liaisons, as well as in recruiting and handling informants. Much is written on community policing and the need for cultural competencies. But, literature on operationalizing this concept is hard to find. Which conceptual cross-cultural negotiation techniques are useful when preparing to engage dissimilar cultures? The rising need for cultural agility demands additional ideas and options. The Venn diagram's third component ties in concepts associated with Trust, Information, Power, and Options analysis; Wheel of Culture; Zone of Possible Agreement; and, the Best Alternative to a Negotiated Agreement. Within this frame, Iran is used as an extreme case of a culturally intense policing environment with the intent to work through the explored negotiation concepts as an example of how the principles might be transferrable to another diverse environment – the American neighborhood.

Introduction

Law enforcement officers serve in dynamic and culturally diverse environments. But, the rapid increase in the growth of diverse populations has supercharged the need for better prepared police professionals.¹ For the purposes of this paper, law enforcement and police are used interchangeably to denote the professional discipline and constituted range of officers authorized to execute associated interpersonal activities in their respective jurisdictions. For this examination, cultural diversity is assessed as impacting the spectrum, from federal and military investigative agencies to state and local police. For many, the law enforcement one-on-one engagement is largely an art, not science. Although experience contributes to the development of this art, so also does purposeful preparation and training. Purposeful preparation and training is the focus of this paper. While “street level” officers are largely trained to a common standard, many lack supplementary and complementary tools for engaging culturally diverse populations. Attaining cultural agility is difficult, yet paramount to minimize the risk of misjudging, misunderstanding, or unnecessarily escalating a complex situation. Today, law enforcement requires specialized techniques for generalized activities.

A vast body of materials have exhorted the need for improved cross-cultural skills and the use of negotiation techniques in military operations.² However, little attention is given to connecting these skills and techniques within traditional law enforcement activities. Law enforcement similarly need a complimentary set of cross-cultural skills and abilities for their activities, in both domestic and overseas environments. These activities involve interviews, interrogations³, and liaisons, as well as recruiting and handling informants. An examination in tying together policing methodologies, cultural competencies, and negotiation concepts is warranted, but has not yet been adequately addressed in study or writing.⁴

Current police training practices addressing these topics are necessary, but not sufficient for the increasingly complex context of policing operations. As an illustration of a potential solution to this shortfall, I suggest a Venn diagram to illustrate the interconnected associations amongst community policing philosophies, cultural competencies, and diplomacy-minded negotiation techniques. Law enforcement's optimum balance for a successful intercultural one-on-one engagement resides at the confluence of these parts. This should strike the interest of those who seek to further professionalize the law enforcement discipline. This Venn diagram is constructed against the backdrop of America's unremittingly changing complexion resulting from continuous diversification. Much is written on community policing and the need for broad cultural competencies in law enforcement. But, what to do next is hard to find. Identifying which specific negotiation tools and techniques are useful when preparing to engage dissimilar cultures is the challenge. In this paper, Iran is used as an extreme case of a culturally intense policing environment to explore specific negotiation concepts that show promise for wider use.

In short, law enforcement lack enough sophisticated options to help them prepare to interact with others in culturally diverse situations. Certain negotiation concepts may contribute to better preparation efforts. Hence, law enforcement officers should weave together diplomacy-minded cross-cultural negotiation concepts with community policing philosophies and cultural competencies, because this combination could improve an officer's ability to anticipate human behavior when engaging culturally-diverse populations.

Continued Changes to America's Complexion

Changes in demographic diversity are a mainstay in the complexion of U.S. communities and the American way of life. As people desire improvements in their standard of living, opportunity-seeking behaviors lead to increased global migration.⁵ The U.S. is not immune to

these global pressures. Migration movements have directly impacted American communities.⁶ However, increased diversity trends are not just an urban phenomenon or solely associated with larger cities.⁷ In addition, our diversity comes from many sources, two of which are immigration and accepting refugees. Immigrants and refugees are just as likely to live in suburbs, and this growing trend shows no signs of decline.⁸ Some middle-class communities have expressed concern that foreign arrivals pose a threat to their culture and identity.⁹ Author Danika Li addresses this concern in a Diplomatic Courier article on global migration. She shares, “[Baylor University Professor Philip] Jenkins alleviates this fear, saying that although the first generation of immigrants bring their foreign culture with them and also have a large number of children, by the second and third generation, this foreign culture has mostly merged with the existing culture.”¹⁰ Nonetheless, this does not dismiss law enforcement’s duty to seek improvements in how to interact with these populations. Although many immigrants do assimilate, non-assimilation of some immigrants is also a concern. One can argue America has no “real” culture, just dissimilar groups living in various neighborhoods, e.g. Italians in Little Italy or Chinese in China Town. When people live in these enclaves, they tend to retain their cultures. Consequently, policing must be adaptive to multiple, distinct, and sometimes significantly contrasting cultures in a single community.

Author Joel Kotkin, who writes on demographic, social, and economic trends, provides added insights on American diversity trends. In his 2010 Smithsonian Magazine article, he suggests that based on United Nations estimates, nearly twenty million people are expected to migrate to the U.S. over the next 40 years.¹¹ As a prelude to this prediction, in 2008, minorities already represented a majority of Texas, New Mexico, California and Hawaii residents.¹² Kotkin predicts, “The U.S. of 2050 will look different from that of today: whites will no longer be in the

majority. The U.S. minority population [at 30 percent in 2010], is expected to exceed 50 percent before 2050.”¹³ He continued by explaining that approximately 25 percent of suburbanites are minorities across the U.S.¹⁴ In fact, by 2050, Kotkin forecasts, “Immigrants, their children and native-born minorities will become an even more dominant force in shaping suburbia.”¹⁵ Kotkin surmises, “No other advanced, populous country [U.S.] will see such diversity.”¹⁶

In April 2016, the Migration Policy Institute (MPI) reported the following details on states particularly impacted by immigration:

- In 2014, the top five U.S. states by number of immigrants: California (10.5 million), Texas and New York (4.5 million each), Florida (4 million), and New Jersey (2 million).¹⁷
- In 2014, the top five U.S. states, when classified by share of immigrants out of the total state population were: California (27 percent), New York (23 percent), New Jersey (22 percent), Florida (20 percent), and Nevada (19 percent).¹⁸

Similarly, The U.S. Department of Homeland Security reported these specifics in its 2014 Annual Flow Report on Refugees and Asylees:

- 55 percent of all admitted refugees resided in ten states; the leading states were: Texas (10 percent) and California (8.7 percent). Although, both Texas and California experienced declines (3 percent and 4 percent, respectively) in refugees from 2013.¹⁹
- From 2013 to 2014, Michigan, a top ten destination for refugees, experienced the largest percentage decline (-14 percent) while Pennsylvania, another top ten destination for refugees, experienced the largest percentage increase (9 percent).²⁰

MPI also acknowledged that since 1970, the number of U.S. immigrants more than quadrupled, rising from 9.6 million in 1970 to 42.4 million in 2014 (Table 1), principally a result

of large-scale immigration from Latin America and Asia.²¹ Congress chiefly made this possible with its 1965 abolishment of national-origin admission quotas.²²

Table 1: Numerical Size and Share of the Foreign-Born Population in the United States, 1970-2014

Year	Size of Immigrant Population (Millions)	Immigrant Share of Total U.S. Population (%)
1970	9.6	4.7
1980	14.1	6.2
1990	19.8	7.9
2000	31.1	11.1
2010	40.0	12.9
2014	42.4	13.3

Source: Migration Policy Institute (MPI) tabulation of data from the U.S. Census Bureau's 2010 and 2014 American Community Surveys (ACS), and 1970-2000 decennial Census.²³

Faced with this increasing diversity, law enforcement experts are finding that understanding origins and impacts of cultural, ethnic, and race related diversity may provide clues to more effective policing techniques. The Organisation for Economic Co-operation and Development (OECD) provides such data. OECD's forum assists the governments of over 35 countries, including the U.S., in understanding what drives economic, social and environmental change.²⁴ For instance, OECD's International Migration Outlook 2016 reports OECD countries in 2015 recorded an unprecedented number of asylum seekers since the Second World War, with Syria leading in the country of origin.²⁵ Germany is largely bearing the Syrian asylee burden.

The U.S. was the leading OECD destination country in 2014, up three percent from 2013, with one million new migrants, including refugees.²⁶ MPI reported that according to Department of State Worldwide Refugee Admissions Processing System data, the U.S. admitted 69,933 refugees in fiscal year (FY) 2015.²⁷ This nearly matched the 69,987 refugees admitted in 2014 and 69,926 in 2013.²⁸ However, it is perennially difficult for officials to track and record precise migration data due to illegal entries and other undocumented anomalies. Nonetheless, it is critical that police are cognizant of world and domestic events and its subsequent impacts on

migration flows and diversity trends in their operational area(s). Interestingly, the OECD reported that in 2014, the U.S., along with New Zealand and Canada, received over 440,000 young seasonal and holiday workers, primarily in the agricultural and hospitality industries.²⁹ This represented a four percent increase from the previous year.³⁰ In the context of policing, tracking these trends will assist in alerting police to important fluctuations.

Additionally, in 2014, those granted U.S. Lawful Permanent Resident (LPR) status grew by 1,016,500, a 2.6 percent increase from FY 2013.³¹ For perspective, that is nearly one quarter of Alabama's population, or replacing the population of Montana. This includes family-sponsored immigrants (which decreased 0.6% from 2013), employment-based grants (15% of LPR), and those involved in the "Green Card Lottery" (5% of LPR). The largest 2014 increases were seen in these programs: victims of criminal activity (U visa recipients), as well as U.S. government-employed Iraqis and Afghans.

The criminal victim category warrants further interest. The U.S. Citizenship and Immigration Services explains U nonimmigrant status (U visa) is set aside for "victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity." In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act), which led to the U visa.³² This legislation intended to strengthen law enforcement's ability to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes.³³ Congress included protecting victims who have suffered substantial mental or physical abuse due to the crime.³⁴ Further intent is supporting those willing to assist authorities in criminal investigations or prosecution.³⁵

These trends foreshadow the need to further think through novel and varied ways to

engage diversity. While basic police techniques may endure from community to community, it is the variety and diversity of people that makes each environment unique.³⁶

Constructing the Venn Diagram – The Optimum Balance Resides at the Confluence of its Components (Figure 1)



Figure 1: Venn Diagram

Component 1: Community Policing Philosophies - Personalized Policing for Immediate Conditions and Environments

The routine geographic reassignment of law enforcement officers has its roots in early 1900's efforts to professionalize the force and eliminate corruption.³⁷ During that time, organizations institutionalized policies for centralized control to encourage, in part, an air of police impartiality.³⁸ However, those efforts contributed to social distancing between police and their communities.³⁹ Technology improvements exacerbated that sense of estrangement.⁴⁰ Efforts to eliminate corruption, increase professionalization, and the impact of new technologies also occurred in parallel with growing crime and immense social change.⁴¹ As an unintended consequence, "police had trouble communicating with all members of the socially and culturally diverse communities they served...and in some communities an attitude of 'us versus them' prevailed."⁴² By the 1970's, this wicked problem led to community-policing philosophies as a

way to get toward problem-solving.⁴³ Today, these philosophies remain relevant against the backdrop of America's growing diversification. Germane to this research are its problem-solving tenets, and the way community policing methodologies draw out indications of trends and activities. Community policing is classically applied to maintaining order and reducing crime. However, this research argues for its emphasis and application on improving interpersonal engagements, because it helps police detect and alert on what matters.⁴⁴

Developing a community or culture baseline is a key community policing philosophy concept. From this, an officer detects deviations from normal and expected behavior. This is an effective way to distinguish if changes have occurred; and once changes are detected an inquiry can begin. From personal experience, this technique was employed in Afghanistan while conducting counter-threat operations. Our team (most with police training) took notes on the environment and conditions while moving through a village and engaging indigenous personnel. Everyone was a sensor. For instance, if six cars were usually parked on the road, fifteen sheep behind a particular dwelling, and scores of conversational people, that was annotated in post-mission notes. Before the team returned to that village, the notes were reviewed. Upon arrival, if something was different – one car, twelve sheep, and the usual congregation of people was sparse or quiet – it triggered a specific line of questions to engage the informants and tactically interview others about. Worst case, Taliban were nearby, locals feared their presence and left (using their cars), and the hungry Taliban ate the sheep.⁴⁵

This technique took practice, required new methods, and improved with experience. At times, an Afghan was trying to provide helpful answers, but conveyed it in ways that were difficult for many Americans to comprehend. Some thought the Afghan was being evasive, misleading, incompetent, or stalling. Rather, the Afghan was providing useful information, but in

story form consistent with Pashtun culture. We struggled to understand him. Our linguists helped by providing context, but we expected a direct Western way of answering police questions.

Overall, there is no community-policing strategy panacea. Many times, complex policing environments require situationally dependent decision-making strategies and processes to address ambiguous and immediate conditions. Therefore, officers need to apply cross-cultural competencies and considerations in both planning and training.⁴⁶

Component 2: Cultural Competencies

The Venn diagram's second component is cultural competencies and training for such. Cross-cultural competencies are paramount to filter, understand, and analyze one's environment. Recognizing cultural baselines and understanding culturally-influenced behaviors interplays with the officer's community-policing rooted analysis mentioned above. It is easy to misunderstand or misinterpret actions and behaviors of those from a dissimilar culture. This condition is further complicated by the delta between one's personal culture, their professional culture, and the culture of others. Officers with cultural familiarity can better forecast behaviors or changes, as well as describe why it occurred.⁴⁷

Police want to understand the environment and various actors before they engage. Not just handbook information, but details to make engagements more productive. This includes being alert and sensitive to cultural nuances. For example, Iraqis use vehement hand gestures, tend to move in one's peripheral vision, and have a tolerance for physical closeness that make police uncomfortable.⁴⁸ These behaviors, without context and understanding, threaten (perhaps needlessly) law enforcement. Additionally, in some cultures, uniformed authorities bring memories of torture or trauma making that person reluctant to communicate. Misjudging these behaviors can immediately distance an officer, negatively impact intelligence gathering, stifle an

interview, or unnecessarily escalate a situation.⁴⁹ Emily Spencer, an Assistant Professor at Canada's University of Northern British Columbia, explains in the context of cultural intelligence, "Grasping differences in how others think, behave, make decisions, view the world, and interpret actions assists in providing strategies and options in how best to engage them to achieve your own objectives."⁵⁰

To explore this more, cultural agility recognizes that "different" is not automatically judged as "wrong". Individuals from different cultures are more likely to have dissimilar experiences and frames of reference (context) than those of a similar culture. Author Raymond Cohen submits intercultural negotiating is prone to misunderstanding.^{51, 52} As a result, he draws upon Lorand Szalay's theory of intercultural communication.⁵³ Szalay's model explores general differences between cultures, and distinguishes between "the form or code in which a message is sent, and its content or meaning."⁵⁴ The message is a matter of the receiver correctly decoding it, so that the sender's meaning matches the receiver's intention. In a low-context culture, the sender is responsible for providing the code's meaning; in a high-context culture, the receiver is responsible.⁵⁵

Useful competencies to understand are those associated with culture contexts, concepts of time, results versus relationships, and saving face.⁵⁶ First, there is clear contrast between high- and low-context cultures. American culture has individualistic ethos (low-context), which differs from cultures that emphasize a communal identity and interdependence, like those across the Middle East and throughout Asia.⁵⁷ In communal cultures, communication tends to be context-sensitive (high-context); "its origins are to be sought in the historical predominance of the rural village community; the primacy of extended family, clan or caste; and rigid, stratified forms of social and religious organization."⁵⁸ Here, communication customs emphasize politeness,

relationship-building, tact, and even indirectness. Whereas individualistic cultures de-emphasize the communication context and personal relationships; of which, the “U.S. is a paradigm, [and] holds freedom, the development of the individual personality, self-expression, and personal enterprise and achievement as supreme values.”⁵⁹ Communication in a low-context culture is often direct and explicit, with little patience for rhetoric, insinuation, or complex protocols. In American culture, substantive (tactile and definitive) interests predominate – other cultures have other priorities (psychological and/or procedural interests may predominate).

Second, Cohen describes the important cultural contrast between polychronic and monochronic concepts of time.⁶⁰ The American approach to time is an example of a monochronic culture. Here, “the schedule is almost sacred, so that not only is it wrong, according to the formal dictates of our culture, to be late, but it is a violation of the informal patterns to keep changing schedules or appointments or to deviate from the agenda.”^{61, 62} U.S. police and military sub-cultures even exhibit hyper-versions of this peculiarity. Cohen continues to show the U.S. is not a traditional society, and American culture is future-oriented. Although Americans take great pride in their past, “a past usually re-created noncontroversially in the image of the present.”⁶³ Instead, polychronic cultures (e.g. Iranian or Chinese) tend to have a far richer sense of the past and take a more expansive view of time. Cohen writes, “the arbitrary divisions of the clock face have little saliency for cultures grounded in the cycle of the seasons, the invariant pattern of rural life, and the calendar of religious festivities.”^{64, 65, 66}

Third, dissimilar cultures favor different means to support its desire for driving results or fostering relationships. For example, Iranians emphasize personal relationships and group harmony. Their use of persuasion cultivates a close and trusting relationship. In general, high-context cultures (relationship-oriented) are usually uncomfortable with confrontation and

combative styles of interaction. Diametrically different, low-context cultures (results-oriented) mostly find fact-based, reasoned arguments more persuasive, and often favor explicit styles of communicating; this certainly fits the temperament of many law enforcement officers. Americans may prefer direct dialogue, but high-context cultures largely prefer indirect communications relying on personal relationships to support mutual understandings. If these considerations are not built into a police officer's strategy for engaging different cultures, it may be detrimental to their efforts.⁶⁷

Last, saving or maintaining face and group harmony are cultural competencies to understand. To reiterate, interactions across cultures are prone to confusion. A high-context culture "communicates allusively rather than directly."⁶⁸ This allows for multiple interpretations and is easy to deflect blame. Non-verbal cues, nuances in meaning, and the context in which the communication occurs are as important as the message itself. As such, those in high-context cultures are apprehensive about how they appear to others; "there is no more powerful sanction than disapproval."⁶⁹ Additionally, accountability is easier to discover in some cultures than in others. In low-context cultures, an individual accepts blame. In high-context cultures, the group may be assigned blame, or forces outside one's control (i.e. God) is to blame (i.e. fatalism). In high-context cultures, the loss of face (reputation and honor) is avoided at all costs, especially if there is a chance of being humiliated in front of their group. It is prudent to offer high-context cultures a face-saving alternative to preserve prestige and status. As an example, in a criminal arrest, even if developed primarily from police work, could be highlighted as a community, versus law enforcement, success with credit (for reputation building) provided to non-police leaders within that community.

It is vital for law enforcement to understand these cultural distinctions.⁷⁰ True comprehension contributes to a better ability to solve problems, build relationships, and anticipate behaviors. While initial-entry police training is largely designed to bring officers to a common standard through familiarization (see Appendix A), there is value in exploring novel and varied training for engaging cultural diversity, such as tying in diplomatic-minded cross-cultural negotiation tools.

Component 3: Cross-Cultural Negotiation Techniques

Thus far, it is clear American cultural diversity is a mainstay; police need cultural competencies to get the job done; and, intellectual and practical improvements are available through novel training. The final sector of the Venn diagram is an unlikely third component to law enforcement: cross-cultural negotiation tools and techniques largely intended for international diplomacy. American diplomats prepare intellectually before entering into a negotiation. Research and exploration are conducted in advance. This helps anticipate how the opposing interlocutor may engage, identify their context and frame of mind, as well as seeking cultural⁷¹ perspectives that influence behaviors and positions.

For American negotiators, simply understanding culture will not enable the diplomat to predict every opposing move or response.⁷² However, what is essential is “consciousness of that history and culture and their long-term influence. At a minimum, that consciousness will protect Americans from being confused and surprised by seemingly incoherent and inexplicable negotiating actions.”⁷³ It is especially important to understand how others view the U.S., and how their cultural perspectives treats Americans. This paper suggests that these techniques have clear parallels with police work, and arguably a direct likeness, in what both diplomatic negotiators and law enforcement officers experience when engaging those of a dissimilar culture.

Different Modes of Thinking. But first, an officer might need to tap into a different thinking mode. Daniel Kahneman, winner of the 2002 Nobel Prize in Economics, in his book, *Thinking, Fast and Slow*, emphasizes that “human beings are intuitive thinkers and that human intuition is imperfect.”⁷⁴ Kahneman’s extensive work⁷⁵ had significant impact on psychology and economics; but police could benefit as well. Relevant is Kahneman’s discussion of Keith Stanovich and Robert West’s System 1 (Sys1) and System 2 (Sys2) thinking. These modes of thinking should be brought into law enforcement’s lexicon, understanding, and training.

We will use Kahneman’s Sys1 and Sys2 definitions. He states:

- Sys1 [routine decisions] operates automatically and quickly, with little or no effort and no sense of voluntary control. Examples: detect hostility in a voice; make a “disgust” face when shown a horrible picture; complete the phrase, “bread and ...”⁷⁶ [author note: I bet you said *butter* right?]
- Sys2 [creative decisions] allocates attention to the effortful mental activities that demand it, including complex computations. Sys2 operations are often associated with the subjective experience of agency, choice, and concentration. Examples: search your memory to identify a surprising sound, or fill out a tax form.⁷⁷

Police officers rely on Sys1 during routine activities. Kahneman would say when information is missing, which occurs often in police work, Sys1 will cause the officer to jump to conclusions.⁷⁸ In fact, Kahneman would reasonably agree, officers are often confident even when they are wrong.⁷⁹ This is confirmation bias. Yet, when law enforcement engages with those of a dissimilar culture, it could be as complex as writing an academic research paper. Police react when conditions differ from the established norm. However, law enforcement should establish

the norm (culturally acute), but when conditions differ, deliberately move to Sys2 to analyze why (rather than with Sys1 reactions). Sys2 thinking assists in deliberately seeking information one does not have to help make more informed decisions. But, Sys2 needs bias management skills. Sys1 is very active and powerful, while Sys2 is slow. Police are all too happy for Sys1 to take over, which is especially powerful when adrenaline is flowing.

The amount of knowledge an officer needs is far greater than the situational knowledge one has.⁸⁰ Understanding how we think can help bring clarity to what is missing. Sys1 thinking is largely about one's automatic, experienced-based and bias-impacted responses to routine situations. Sys1 likes to fill in the blanks to get a decision. Stanovich and West characterize Sys1 thinking, in part, as intuitive judgment, personalized, and relatively fast and undemanding of cognitive capacity.⁸¹ Have you ever arrived home after work, but could not remember the drive? That was your Sys1 thinking kicking in – that drive was routine and required little thought. Sys2 is where your critical thinking resides. Sys2 involves such properties as analytic processing and intelligence, explicit learning and thought processes, relatively slow and controlled, and acquisition by cultural and formal training.⁸² In a police context, developing a comprehensive interrogation plan with rapport building ideas, themes, and choice questions would activate the officer's Sys2 thinking. Sys2 strategies will temper an officer's overconfidence in situations where they have, heretofore, been comfortable or highly skilled.⁸³ Pragmatically, officers have decades of conditioning that must be managed with these effective new tools and training.

Kahneman explains, "Most impressions and thoughts arise in your conscious experience without your knowing how they got there."⁸⁴ His research aimed to "improve the ability to identify and understand errors of judgment and choice, in others and eventually in ourselves."⁸⁵ Neither thinking system is superior to the other, rather each can be complementary and each

contribute to improving interactions with dissimilar others.⁸⁶ Since law enforcement officers are problem solvers, they largely rely on their fast thinking; but why not include slow thinking too? Why do police always have the tendency to unilaterally *solve* problems?⁸⁷ Likely because American culture is about solving (control our environment and the future). Many other cultures emphasize coping or treating a problem, not solving it. Perhaps officers should first evaluate and determine what the other side's position (actions) and interests (motivations behind the actions) are. When people start disengaging with you, do not push harder.⁸⁸ Figure out why they are disengaging. Sys2 thinking calibrates officers not to think with a wider aperture, but with a completely different camera. Sys2 does not suggest "fast solving" is now "smarter fast solving," rather one must actually contemplate the situation. With a better understanding of Sys2 thinking, let us explore a bit of the interlocutor's craft. The upcoming concepts, tools and techniques generate resilience and a competitive advantage by returning decision-making and action to the law enforcement officer.⁸⁹

Introducing Diplomatic-Minded Cross-Cultural Negotiation Techniques to Law Enforcement.

As a baseline, *negotiation*, is not what one might imagine. Here, it is not "a smoke-filled back room where bare-knuckled deals are hammered out between rival parties,"⁹⁰ or a classic "hostage negotiation." Rather, its meaning is expanded into a broader communication, relationship, and problem-solving process between law enforcement and those they interact with. Dr. Eisen, Director of the Air Force Negotiation Center (AFNC), explains the process of negotiations "may range from an open and cordial discussion with a free exchange of information as parties cooperatively seek to satisfy common interests to something closed and adversarial, where information is hoarded as parties fight to satisfy only their own positions, and if needed, destroy the opposite's ability to achieve theirs."⁹¹ Within our framework, the desired engagements are

professional with appropriate exchanges of information as officers cooperatively seek to satisfy shared interests and goals. The negotiations spectrum is wide. Relationships, trust, and rapport building is an extensive process, but the desired option is to “give some and gain some.”⁹²

Iran is a practical illustration on how to apply diplomatic-minded cross-cultural negotiation concepts that are relevant to law enforcement. Engaging Iranians illustrates the complexities of interacting with a high-context and mysterious culture largely unexperienced and untried by many officers. Success in understanding rudimentary Iranian behaviors may be achieved when one more thoroughly understands the context they are entering (Sys2 considerations). Since intercultural negotiating is prone to misunderstanding, Szalay’s theory again comes into play. Szalay says, “Since the encoder and the decoder are two separate individuals their reactions are likely to be similar only to the extent that they share experiences, that they have similar frames of reference.”⁹³ Therefore, when negotiating with an Iranian, police should “begin with an exchange of views about underlying needs and interests – and on the basis of such an exchange, build an agreement that both parties find acceptable.”⁹⁴ It is key “to work at the level of interests rather than positions – what one really needs and wants (and why), rather than what one states that one would like to have.”⁹⁵ Thus, the Venn diagram’s third component addresses the rising need for improved cultural agility and the demand for additional ideas and options. To help operationalize these concepts, the use of a Trust, Information, Power, and Options (TIPO) analysis, Wheel of Culture (WOC), Zone of Possible Agreement (ZOPA), and the Best Alternative to a Negotiated Agreement (BATNA) may prove useful.

First, the negotiation process is influenced by myriad variables, mainly those related to TIPO analysis.⁹⁶ The TIPO Analysis Framework model⁹⁷ (Figure 2) directly influences one’s negotiation preference and style (i.e. evade, insist, comply, settle, or cooperate⁹⁸) and helps

develop problem-solving options.⁹⁹ It further allows one to assess why the other side is engaging the way they are. The TIPO framework “models how trust influences your use of information and power, and how information and power influence the way you develop options to solve current problems.”¹⁰⁰ Many times, an officer’s nature and personality tends toward an insist strategy; their mission (rooted in organizational and community culture) to “protect and serve” further contributes to a

citizen’s expectation for a “take action” officer. Yet, the officer’s intent is often

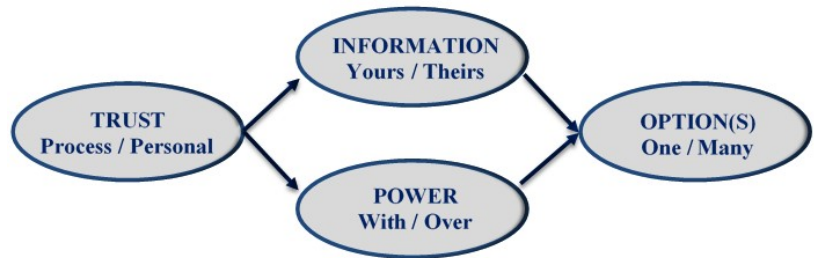


Figure 2: Trust, Information, Power, and Options (TIPO) Analysis Framework

cooperation and to build a

trusting relationship. One of the issues with an officer’s direct, no-nonsense, low-context approach to investigations is it conveys a sense of impatience. As caution, the desired means to achieving cooperation will avoid using their power “over” another as a strategy or tool.¹⁰¹ Police, by authority and responsibility, have position and coercive power, but it could be counterproductive when other options exist. When using a power-based Insist strategy, it seeks compliance and submission, rather than cooperation. Therefore, establishing a productive level of trust will result in the appropriate level of information sharing. Options will likely be mutually crafted as a result of the information exchange. For our example, police need to understand if an Iranian is more prone to cooperate, evade, insist, comply, or settle as their intuitive strategy when engaging with Americans.¹⁰²

Additionally, developing and maintaining a trusting relationship should not be confused with establishing a friendship; they can be different. All friendships have trust, but not all trusting relationships are friendships. For example, fostering a positive relationship addresses the

Iranian's needs and desires. It also requires providing a degree of truthful information and expecting truthful information in return. Importantly, "knowing how to detect trust is a challenge, but must be mastered."¹⁰³ Understanding cultural differences and behavioral nuances are further useful tools in building interpersonal trust. Ambassador John W. Limbert, Ph.D., offers "Fourteen Steps to Success" for negotiating with an Iranian. In Appendix B, his steps, words, and insights are correlated (and reformatted) into a law enforcement context to illustrate how diplomatic techniques can be productive law enforcement tools.

Second, the AFNC utilizes the WOC as a tool to aid in anticipating reasonable foreign interlocutor negotiating styles. Law enforcement should adopt this technique to better understand dissimilar cultures they engage.¹⁰⁴ A rudimentary Iran WOC (Appendix C) married with TIPO model considerations leads us to the cooperative negotiation strategy (CNS) as an appropriate launching point when engaging an Iranian. CNS is the AFNC enhanced version of the business world concept known as Interest-Based Negotiations.¹⁰⁵ Yet, as the WOC and Dr. Limbert's fourteen steps indicate, an Iranian's initial behavior will tend to Evade or Insist. Notwithstanding, CNS is often effective in diverse situations and with those who are culturally, socially, and politically different.¹⁰⁶ For cooperation to occur, trust must exist, each must be willing to share information and decision-making power, and suspend judgment on possible solutions.¹⁰⁷ To move past expected complications and find common ground, CNS suggests "learning of and then focusing on the underlying, basic, and perhaps common, interests behind each's initial positions. Reduced to its essence, CNS proposes that two groups working together will come up with a solution better than what either could generate on their own."^{108, 109}

Third, the ZOPA (Figure 3) is the overlap between the two party's bargaining ranges where agreement can potentially be achieved.¹¹⁰ The bargaining range is defined as the "area

between each person's aspiration and reservation points."¹¹¹ Dr. Eisen explains, "The first is the range from the least you'll accept to the best you can possibly hope to get. The second is the opposite's range from the least they'll accept to the best they can possibly hope to get."¹¹² The law enforcement business and its varying levels of tradecraft, classified and sensitive

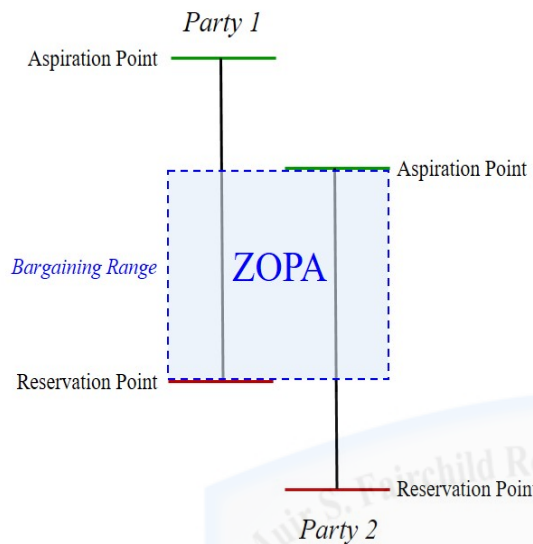


Figure 3: Zone of Possible Agreement

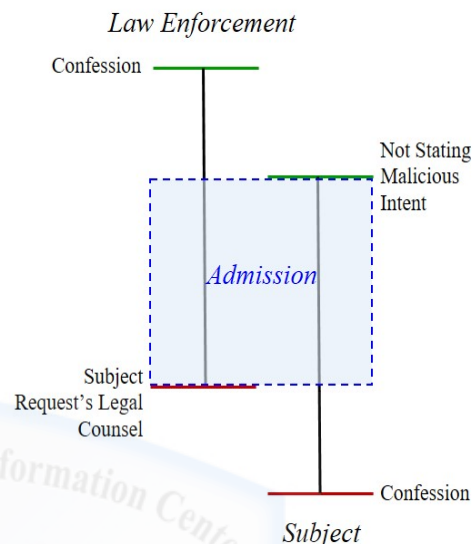


Figure 4: ZOPA - Police Interrogation

information, as well as methods and sources, inherently lends itself to low information sharing. While challenging, a ZOPA must surface, which requires some overlap to exist. If an overlap does not exist, there is no ZOPA, and you will be unable to continue until one adjusts their bargaining range to create such overlap.¹¹³ To help establish a ZOPA, officers must listen carefully, separate assumptions from facts, test motives and assumptions, and ask clarifying and follow-up questions.¹¹⁴

In law enforcement, there are situations where understanding ZOPA concepts is valuable. For example, in basic form, the ZOPA here may be sharing basic intelligence related to threats or local criminal activity. How much is the police willing to share and at what point will the Iranian provide actionable information? TIPO analysis and WOC research will assist in one's preparation. This is useful for criminal intelligence gathering as well as investigating crime. An

interrogation situation is provided as an example (Figure 4). The police aspiration point is confession, and the reservation point is when Subject requests legal counsel. Whereas, Subject's aspiration point is not indicating malicious intent, thus leaving police with an unresolved case. Subject's reservation point is confession. If police understand where they are at in the two bargaining ranges, it will provide useful insights on how well the interview is going, how productive the interviewing themes have been, and whether there are other angles to explore or previous approaches to abandon. Here, the ZOPA may end up being a criminal admission; if a confession is unlikely and Subject does not request legal counsel during questioning.

Finally, if negotiations fail to achieve desired goals and interests, each side would rely on their BATNA as their contingency option. Critical BATNA aspects are it can be executed unilaterally and viewed as credible.¹¹⁵ It is an option one has resources for and will to execute, although it may change as information and conditions change.¹¹⁶ The stronger your BATNA, the more control you have. Dr. Eisen provides a useful example if you reach a stale-mate in a negotiation with someone from a high-context culture. When engaging an Iranian, he would suggest police say, "We've made so much progress, but we are hung up on this item. I don't want to tell my boss we couldn't work this out. How do you think your family will react if you have to tell them the same thing?"¹¹⁷ Dr. Eisen explains, "In cultures where face saving is important, the realization of this possibility might motivate your opposite to work more closely with you towards a solution."¹¹⁸

However, law enforcement's BATNA may weaken with time. Take a situation where police seek investigative information, or placement and access into an area where criminal activity is occurring. If the Iranian chooses to Evade, little can be done. Police recognize this is a credible option.¹¹⁹ If this occurs, creating new situations ripe for settlement through introducing

new opportunities for shared gain may be a potential path to resolution. Often the situation is suitable for a degree of cooperation. Thus, “if each side can be persuaded there is more to gain than to lose through collaboration – that by working jointly, rewards can be harvested that stand to advance each side’s respective agenda – then a basis for agreement can be established.”¹²⁰

Likewise, there are BATNAs in a criminal interviewing context. Law enforcement’s BATNA during an interrogation is strong: complete all investigative steps, minus Subject’s interview (if counsel is requested), finish the case, follow prescribed procedures, and provide it to the serving prosecutor’s office. The Subject’s admission and/or confession is valuable, but not required. The Subject’s¹²¹ BATNA is similarly strong: invoke 5th Amendment right to legal counsel (although this situation is not completely a unilateral decision since the police introduced the situation, i.e. questioning regarding the criminal offense while in custody). The Subject’s BATNA may be weakened through effective interviewing techniques and solid rapport building.

Conclusion

Cultural diversity is an enduring feature of America’s complexion. As a result, law enforcement needs deeper and more sophisticated cultural agility. The social dimension in policing, the chaotic and non-linear nature of dealing with human behavior, and cultural complexities all illustrate how the policing profession tends to be contextual and specific.¹²² Changes in variables can make police activities unpredictable and disorderly. Even minor variations in individual reactions can exacerbate situations. Moreover, there may never be a precise modeling or a prediction tool to track immigrant movement throughout the U.S.¹²³ Likewise, there may never be a single, right way how to effectively engage those of a dissimilar ethnicity or culture. But, there may be several wrong ways. Knowing what not to do is half the

battle and a first step in the process in building a skill-set of learning what to do. This paper used Iran as a dramatic case of a culturally (or diversity) intense policing environment with the intent to illustrate the utility of the proposals presented in this paper. Real cross-cultural understanding has less to do with not showing the bottom of your feet and more to do with understanding how dissimilar others perceive and think. Ultimately, success comes when one is willing to adapt to the dynamics of a different environment. This paper does not suggest it attains perfect preparation and precision for an engagement with dissimilar others. That would be a checklist mentality; rather, it proposes strategies for success.

The Venn diagram illustrates guidelines and interconnected associations amongst three concepts: community policing philosophies, cultural competencies, and diplomacy-minded cross-cultural negotiation concepts. Law enforcement's optimum balance resides at the confluence of these components. Police currently lack enough options to help them prepare for intercultural actions.¹²⁴ Law enforcement can regain the initiative by placing officers in an advantageous position for anticipated cross-cultural engagements. Applications of intercultural models and theory in the police interview process often fall short in providing the right level of useful insights. Therefore, law enforcement should interconnect these complementary components because it improves their ability to anticipate human responses when engaging culturally-diverse populations. Constructed against the backdrop of America's continuous diversification, these conceptual diplomacy-minded negotiation tools will contribute to deliberate law enforcement preparations where other techniques are insufficient or otherwise absent. This paper is but a first step in the development of additional ideas, greater critical thinking and cognitive abilities, adaptive behavior, and diversity of thought on the path to greater cultural agility in law enforcement work.

APPENDIX A

Although volumes of materials have urged the need for improved cross-cultural competencies and negotiation during military operations, little attention is given to connecting these skills to traditional law enforcement activities. While most officers are initially trained to a common standard, many lack continued, advanced, and sophisticated training and techniques for engaging diversity. The following is a focused look at particular training efforts of: U.S. Army; Air Force Office of Special Investigations (AFOSI); Federal Bureau of Investigation (FBI); Federal Law Enforcement Training Center (FLETC); and the Michigan State Police (MSP). This research finds these institutions conduct varying degrees of cross-cultural training; however, our argument holds that sufficient room exists for further exploration and expansion.

To reinforce this contention, in April 2016, Christine Sereni-Massinger & Nancy Wood published, "Improving Law Enforcement Cross Cultural Competencies through Continued Education," in the *Journal of Education and Learning*; Vol. 5, No. 2.¹²⁵ The authors argue U.S. law enforcement is experiencing increased challenges resulting from the growth of diverse populations, or multiculturalism, and the level of police training is insufficient.¹²⁶ They further connect their argument to long-standing community-oriented policing philosophies and believe "societal changes have increased the need for training for law enforcement in "soft" skill competencies."¹²⁷ The authors focused on the need for updating police training to meet the demands of a more complex and diverse society.

The U.S. Army is a leader in regards to broad Service-level cross-cultural training. In particular, the Army's GTA 21-03-12, "Negotiations," was the most applicable training aid relevant to this research. Most notable was its section on "SEARCH." SEARCH is an acronym for: Society, Environment, Authority, Religion and beliefs, Communication, and History.¹²⁸ The

Army did not footnote or cite SEARCH, but it has similarities to Christopher W. Moore and Peter J. Woodrow's Wheel of Culture.¹²⁹ The brief SEARCH section rightly points out that it is a tool for simple or complex situations and aids the user in understanding how differing people may perceive their world.¹³⁰ The Army suggests, "SEARCH enables us [Army] to better understand, influence, and achieve mission success."¹³¹ This has been isolated to the military context, despite its potential usefulness and applicability across the police environment. GTA 21-03-12 did not provide a SEARCH technique example or how to apply it in a realistic situation, rather simply declared it useful. While the Army provided this to the general soldier, its contents certainly have useful law enforcement application.¹³²

Additionally, in September 2015, The U.S. Army Training and Doctrine Center (TRADOC), Combined Arms Center, Human Dimension Capabilities Development Task Force (HDCHTF), published their White Paper titled, "Cross-Cultural Competence: Overview of Cross-Cultural Training Theory and Practice for the Army."¹³³ This was the final HDCHTF white paper in a series of three that focused on cross-cultural competencies. This particular paper is a comprehensive look at the principles of cross-cultural training and the process of developing cross-cultural competence in the Army. While the Army and the HDCHTF have sufficiently established an emphasis on developing cross-cultural competence in its soldiers, it is largely focused at the institutional level versus an individual level. This White Paper explored the strategic need for cross-culture competence within the Army and its importance in complex and varied missions. However, similar to other published works, this White Paper does not specifically address needs for law enforcement.

The AFOSI Special Investigation's Academy (USAFSIA) conducts its Basic Special Investigator's Course (BSIC) (i.e. initial recruit training) on the grounds of the Federal Law

Enforcement Training Center (FLETC). During BSIC, instruction is given on ethics, investigative responsibility and jurisdiction, interrogations, military law, crimes against property and persons (physical and sexual), liaison, the role of investigative experts, computer crime, forensics, fraud investigations, environmental crime, counterintelligence collections and investigations, and force-protection programs. BSIC is intended to raise all new special agents to a particular entry-level standard of training and investigative skill. USAFSIA's advanced-level Expeditionary Activities Course then introduces special agents to cross-cultural competencies using the "12 Domains of Culture" program; a program also used in U.S. Air Force professional military education. AFOSI's program is an introduction to understanding diverse cultures absent specific study on any particular culture or region.¹³⁴

Institutionally, FLETC trains new federal law enforcement officers with an introductory exposure to cultural competencies. FLETC's Behavioral Sciences Division¹³⁵ develops, updates, and approves FLETC's training curriculum. Current curriculum includes a block of instruction introducing and familiarizing trainees to the value of cross-cultural communications. Like USAFSIA, FLETC's entry level training is intended to get new recruits to a common, fundamental standard. Specific study or the use of detailed cross-cultural negotiation techniques is not currently part of FLETC's program.

The FBI exposes its new special agents to cross-cultural competencies and negotiation insights. The FBI Academy at Quantico¹³⁶ includes an interviewing and interrogation block for new recruit training. This particular instruction is not devoted solely to cross-cultural issues, but does include instruction on knowing the motivations of dissimilar others, and it also addresses bias and discrimination topics. The course contains lengthy scenario-based instruction, how to prepare for an interview, and the value of understanding ahead of time the motivations of those

to be interviewed. The FBI further introduces new special agents to the PIECE method (Preparation and planning, Initiate, Engage (questioning), Closure, Evaluate) for interviewing.

On the other hand, the FBI's High-Value Detainee Interrogation Group (HIG)¹³⁷ provides a detailed and comprehensive approach to preparing its special agents for engagements with culturally diverse others. HIG training involves a culture training block where time is spent learning the differences between Dignity, Honor, and Face cultures and how those relate to predictable dialogue and predictable patterns during an engagement. The HIG trains on understanding differences in low and high-context cultures, and how that information overlaps with the Dignity, Honor, Face continuum. HIG training further extends into introducing the teachings of Psychologist Dr. Geert Hofstede and his work on culture dimensions. Moreover, the HIG does considerable research on a variety of topics, which include *Mapping Stereotypes about Groups across Societies*,¹³⁸ *Perceptions of Interrogating Persons from Other Cultures*,¹³⁹ and *Intercultural Trust & Social Influence*.¹⁴⁰ While this exposure is provided to HIG specialists, FBI generalists are not receiving the same level of instruction.

The MSP¹⁴¹ provides introductory level cross-cultural awareness training to both new recruits as well as Troopers. The MSP Training Academy provides a four-hour block of instruction on cultural diversity to its new recruits. This curriculum is prescribed by the Michigan Commission on Law Enforcement Standards. It is designed to educate law enforcement professionals on such topics as cultural differences, understanding various religious backgrounds, implicit bias on multicultural issues, and how personal bias impacts policing. The MSP further promotes the value of on-the-job-training and daily experiences when engaging dissimilar others. This exposes Troopers to various and powerful nuances in diverse cultures, that when understood can improve a Trooper's ability to serve that particular community or

enclave. For example, there is an Amish community near Lansing, Michigan. Elders are highly important and influential in Amish culture. Amish do not encounter police often and prefer to handle criminal issues within their community; hence, Troopers understand to engage elders first, when able. Likewise, Troopers who serve the Middle Eastern diaspora in Dearborn seek similar understanding of their operational area. After one-year of field work, Troopers return to the classroom and receive in-service, advanced training on interviewing. This curriculum includes instruction on developing interviewing themes associated to cultural differences.

This focused training review was not an audit, critique, or evaluation. Rather it gained insights into some prominent programs that are likely representative of others at similar echelons. It is clear there are opportunities in federal, military and state law enforcement for novel and varied training to strengthen current programs. Law enforcement organizations are thirsty for more intellectual and sophisticated techniques to meet the demands associated with culturally diverse one-on-one engagements.

APPENDIX B

Law enforcement officers earn legitimacy through sustained efforts that demonstrate competence and fairness. I use Dr. Limbert's "Fourteen Steps to Success" from his book, *Negotiating with Iran: Wrestling the Ghosts of History*. Dr. Limbert's negotiation insights gives context and understanding to what one might expect or experience when negotiating with an Iranian. To illustrate similarities with law enforcement activities, I have reformatted his words, insights, and ideas for the diplomatic negotiation into a table (Table 2) and correlated them to a law enforcement context or situation.

Table 2: Dr. John W. Limbert's Fourteen Steps to Success Brought into a Law Enforcement Context

Dr. John W. Limbert's Fourteen Steps to Success and Selected Insights for Negotiating with Iran¹⁴²			Dr. Limbert's Ideas with Author Added Law Enforcement Context¹⁴³
1	Establish objective criteria free of legalisms	- Iranians regard international law and Western legalism as a pretext for foreigners to cheat Iranians out of their rights - Agreements have to be presented as a victory for Islam & Iran (albeit this is subjective)	- Avoid focusing on maintaining the integrity of police processes that are grounded on legal principles. For Iranians, the <i>process</i> is only a means (or obstacle) to achieving the <i>result</i> - An Iranian may have little interest in upholding the integrity of American criminal law and will show genuine confusion if an officers claims, "You lied to me!" upon discovering Subject misrepresented facts in a written statement or claim
2	The past matters: Be aware of Iran's historical greatness, its recent weakness, and its grievances from decades or centuries before	- Political statements coming from Washington DC, such as "Axis of Evil" & "Regime Change" have confirmed Iranian suspicions - 19th Century saw multiple humiliations for Iran; in 20th Century, degradations continued - Some version of history is alive in every Iranian - Historical events associated with failures creates a profound sense of national victimization and grievance	- An Iranian feels they are alone against a hostile world - Because of historical experiences, an Iranian would feel U.S. law enforcement are not working to solve a problem, rather, using police authority & power to compel an Iranian to accept an unequal agreement - Police should be prepared for contradictions; an Iranian may approach a discussion with a grievance and some magnificent story

			- During interrogation, police will try to rationalize, minimize, and project the situation to obtain an admission or confession...but an Iranian will view any option as unfair to their side and may evade or refuse to commit. An Iranian is suspicious; if the option was not unfair, then why would the police be offering it? Police can overcome this if you can figure out how to serve the Iranian's longer interest - Grievances will continue to fester. Law enforcement must be aware of issues like suspected Iranian support for terrorist groups
3	Choose intermediaries with care	- A third party can allow communication without either side appearing to be the one asking for it - Be weary of those who claim to have disinterested motives stating they simply want to assist both sides	- If tensions exist between police and their local Iranian community, seek an intermediary to help close the communication gap to improve liaison and problem solving efforts. But, be cautious of those offering to act as a third party (suspect motives, etc.) - Iranian diaspora groups have millions of followers inside Iran waiting for the right moment to launch an uprising
4	Talk to the right people	- Unique Islamic Republic political structures make it difficult to understand who has real authority and responsibility to make agreements; a revolutionary or theocratic structure operates alongside the formal government structure - U.S. may be negotiating with the wrong people - Province governors had less power than the local Imam; during the Iran-Iraq War, the IRGC had a stronger role than the military; roles of the official governments were often unclear. In negotiation, these ambiguities affect how Iranians look at the American side	- In post-1979 Iran, the regime (having distrust in previous civil and military institutions) created new structures, such as the Iranian Revolutionary Guard Corps (IRGC), revolutionary courts and Ansar-e-Hezbollah; Hezbollah was assigned to intimidate opponents and fight against nationalists, students, women's rights advocates and hated liberals. - Iranians may feel confusion over who has authority: police, local government, or community leaders
5	Understand that the Islamic Republic's priority is survival and its leader's priority is to stay in power	- Iran's leaders see themselves surrounded by enemies seeking their removal - Suspect U.S. is determined to overthrow the Islamic Republic, using	- During interviews, source recruitments, and during criminal investigative activities, police may encounter bad faith, a wall of suspicion, and mistrust from Iranians

		subversion if possible or force if necessary - Iran's leaders will do whatever is necessary (from concession to brutality) to ensure regime survival - When forced into a corner, Iranian leaders have made sudden reversals of policy	- Law enforcement should make reassurances their intent is not to destabilize one's family or position
6	Let the Iranians define what is in their national interest	- Iranians do not appreciate hearing lectures from others on what is logical and what is in their self-interest - The Iranian may be using logic Americans cannot penetrate; logic dictated by historical grievances, instinct for personal survival, feeling of vulnerability, or other political and social forces poorly understood by outsiders	- Misreading or misinterpreting Iranian (extends into subgroups too) interests can complicate matters and reduce the likelihood of resolving criminal allegations or building community relationships - Police must enter into a one-on-one engagement understanding Iranians already know what serves their own family and personal interests; these interests may differ or contradict what an American's self-interest would be - During victim or subject interviews, do not assume you are the only logical party and the Iranian is hopelessly illogical or emotional; if you assume an Iranian is illogical, he may become so
7	Understand the Iranian BATNA: Expect actions that may appear (to you) self-destructive	- Iranians may be unwilling to make an agreement lest they come under criticism from political adversaries at home for selling out to a foreigner - It has been said that in commercial dealings, Iranian negotiators have been willing to sabotage an entire deal than make some minor concession	- Keep police liaison activities with Iranians professional and serious. If the relationship seems to be lacking traction, resume in about a month - If progress during a source recruitment or witness interview is breaking down, maintain a non-judgmental tone, keep the problem separate from the person, and try for better success during the next meeting
8	Give your Iranian counterpart credit for intelligence	- Iranians have a long history of being treated as simpletons incapable of drawing obvious conclusions from the available resources - Iranians viewed Mohammad Reza Shah as a foreign (i.e. American) puppet	- Iranians have long felt the feelings of national humiliation; therefore, during rapport building or rationalizing away a criminal offense during interrogation, to do not oversimplify the situation
9	Expect a case on vague and uncertain claims	- Many Iranian diplomats lack experience and training, and may not be equipped with facts, figures, and	- The new, revolutionary regime preferred to put trusted ideologues in charge of ministries, where true belief

		precedents with which to make their case; they may rely on ill-defined historical claims or on appeals to justice - Iran still has not fully recovered from its anti-intellectual policies and purges; in past times, the regime openly distrusted its experts (thought of as intellectually ideological and tainted by the West), and stripped others of their influence - The Islamic Republic has often associated technical expertise with the old regime - The Islamic Republic purged the Iranian foreign ministry of experienced professionals and replaced them with inexperienced radicals	in theocracy outweighed training and qualification; those who traveled and had formal education were marginalized - Iranians have experienced heavy-handed treatment of women, journalists, intellectuals, and anyone who asks inconvenient questions.¹⁴⁴ - Police may find it difficult for an Iranian to commit to a recollection of events or consistently explain the situation in question; likewise, a criminal complaint may lack necessary details to clearly articulate the allegation
10	Expect grandstanding, political theater, and flamboyant gestures	- Iranians use a lot of theater in politics, e.g. media showing mothers who say they are proud of their martyred sons; noisy parade processions to stir up pride and anger - Example: When President Ahmadinejad announced the release of British military captives in 2007, he described the action as a gesture of friendship to the British people - Khomeini himself was a master of the defiant rhetoric - When Iranians use such grand gestures, they often paint themselves into political corners; embellishments can lead to policy and lock the Iranians into uncomfortable and self-destructive positions	- Criminals may follow suit of their politicians and use fiery rhetoric and words like, “never,” “to the death,” and “not one inch” - During police interviews, an Iranian may get carried away by his own verbosity and lose his ability to stay focused on the issue at hand - Criminals may create grand and outlandish stories that appear unsuitable to or disconnected from the investigation or alleged offense
11	Remember that power is respected, weakness despised	- Recurring theme in Iranian history is the respect accorded strong leaders who are able to check the powerful centrifugal forces in the society - Public order has always been precarious in Iran, and a powerful leader is seen as the only safeguard against the anarchy	- While Iranians respect power, law enforcement must not try to threaten or intimidate to make their point. - During a subject interview, an Iranian will analyze – rightly or wrongly – how much pressure of all kinds lies behind the interrogator’s approach. That degree of pressure will become part of the calculation of response¹⁴⁵

		- When Iran lacks a strong leader, tribes, ethnic groups, the clergy, urban mobs, external enemies, and opportunistic politicians readily challenge current authorities - Throughout Iran's history, respect is given to strong, harsh, decisive, and effective rulers - Iranian leadership is always personal and charismatic - Real power does not lie with officials carrying ministerial titles	
12	Understand that justice, often in harsh version, in the abstract is extremely important	- In short, justice underpins prosperity; Shia Muslims uphold this Iranian emphasis on justice, and add divine justice, along with the imamate (or leadership), to the three fundamental elements of religion – monotheism, prophethood, and resurrection – that they share with the Sunnis - In a negotiation, Iranians may frame their demands, not in specific or quantitative terms but in terms that claim, "All we are seeking is justice" or "We want our rights" - Justice demands condemning the appropriate party	- Iranians who have experienced a precarious social balance, find justice as often harsh and not tempered by mercy - Those who come from a fragile society or violent history, may feel enemies are ready to take advantage of weakness; Iranians believe justice should be quick, decisive, and visible - Iranians (subjects, victims, and/or witnesses) may be disinterested in enduring a lengthy investigative process or long, drawn out legal trial
13	Remember that conspiracy theories have great currency – and are sometimes true	- Behind the surface of events, Iranians often see hidden hands pulling strings and manipulating the world to some subtle and malevolent purpose - For some Iranians, Iran's 1978-1979 Islamic Revolution was the product of foreign conspiracies to remove the Shah who had become too powerful and too independent-minded - Although some of the conspiracy theories may appear absurd, behind them lies deeper realities - American CIA and British intelligence did manipulate and bribe Iranians to bring about the downfall of the nationalist Prime Minister	- During interviews or on-scene encounters, Iranians may seem reluctant to accept simple and straightforward explanations of events. They often prefer more complex accounts, if only because those are more interesting and creative - Be alert to hesitation during source recruitment. In Iranian history, manipulative British and Russians subjected Iranians to forces beyond their control or comprehension; they were not benevolent and always unscrupulous. Iranians were subjected to violence, terror, bribery, and subversion, including being recruited to betray their compatriots, which prevented them from controlling their own destiny

		Mosaddegh in August 1953 (although the details are still being argued)	
14	Expect hands to be overplayed	- At times of political stress, Iranians can appear to discard calculation of advantage and disadvantage and become captives of unrealistic, rigid positions and extremist rhetoric - Iranians sometimes feel someone is willing to sacrifice principles, friendships, or feelings for material gain - In spite of cooler heads prevailing, Iranians may find themselves compelled to defy the world, lose control, and become wrapped up in revolutionary fury - Iranians may overextend temporary advantage; example: Iran had to ultimately forget its brave rhetoric and accept a humiliating UN-brokered cease fire in 1988 (Iran-Iraq War)	- Police need to be patient, remain focused on the issues under discussion, and not be drawn into rhetorical dead ends - If law enforcement finds an Iranian overplaying his hand during an interview or during liaison, the police should respond with, "Please explain why you are demanding this." "On what basis are you asking for that?" "I [police] need to understand how you came to this figure." - Establish objective criteria that both sides can accept without appearing to surrender. This would be important during interrogation theme development (or subject elimination and choice questions) in a subject interview as law enforcement works toward an admission and confession - For community-related crime problems, use an impartial body (mutually acceptable community leaders for mediation or arbitration) to counter what may appear to be unreasonable demands

APPENDIX C: Iran Wheel of Culture¹⁴⁶

- Uneasy balance between ideological shames & pragmatic designs would define Iran's international perspective and yield contradictory policy as Iran sought to realize its objectives in a regional order it pledged to overthrow
- Iran/Iraq War reinforced Iran's radical tendencies
- Iran benefits from U.S.' unsure nature on how to proceed in Middle East
- No outcomes = continues relationship; positive outcomes to meet their interests
- Compromise that saves face; relationship has to be preserved in the outcome
- May ignore agreements they have already made

- 1980's: "Revolution Without Borders" sought to impose Islamist template on an unwilling Arab world; religious bonds would unite diverse people
- Strong sense of nat'l identity & Shiite faith → looks at others w/certain degree of disdain
- Pursues ties based on respect and equality, not to serve as an agent of another's power
- Ideological state willing to work w/secular, Syrian gov't in pursuit of its own interests
- 1980's: stressed religious commitment over expertise, self-sufficiency over integration into the world economy, revolutionary defiance over realpolitik, and religious austerity over cultural freedom

- Rise of "New Right" in Iran coincided with U.S. drain from war in Iraq & Afghanistan, Islamist parties claiming power in Lebanon and Palestinian territories → Iran emerged as a pivotal leader in the region and seeks to be a hegemon
- Tensions/compromises between Supreme Ldr & Pres produced contradictory foreign policy
- Much of the region seeks to accommodate rather than confront Iranian power
- Polychronic; emphasis on relationships
- Space: closer personal space for trust building
- Persian interest to keep all options open as long as possible: "the ink is never dry"
- Propensity for the two governmental parties to compartmentalize disagreements

- Leadership roles with Supreme Leader and also a President; but views do not always match
- The 12-mbr (unelected) Council of Guardians—examines legislation passed by parliament
- Role of women does not match Western bias

- Ancient nation who has sought for centuries to define its place in the Middle East
- Subject to numerous invasions over the centuries; legitimately suspicious of its neighbors and Western empires; occupation by Western forces; American-sponsored coup, crushing of the religious uprisings of 1963-64; Khomeini's expulsion from Iran
- Paradoxically, Iran's international orientation has historically been shaped by presumption of greatness & sense of superiority
- Darius I as King of Babylon, succeeded by son, Xerxes (King of Persia) in 486 BC
- Limits of Persian expansion; kept losing to the Greeks (490BC Persian defeat at Marathon stopped 1st Persian invasion; 480BC, Persian victory at Thermopylae followed by defeats at Salamis and Plataea...stopped 2nd Persian invasion)
- Believe they have inherited the mantle of an ancient civilization
- Perceive their country as an island of stability in a region of conflict (i.e. collapse of Soviet Union, unrest in Caucasus, chaos in Iraq & Afghanistan)
- Dissonance between Iranian national pride and their historic experience with national humiliation at the hands of the British, Russians, and the Americans
- Iran-Contra Scandal; accidental shooting down of the Iran passenger Air Flight 655
- 1953 coup w/CIA implications...put Shah in charge & SAVAK formed; 1964 Iran accepts US SOFA immunity for US citizens angered Khomeini; Shah exiled him.
- Shi'a versus Sunni Islam: Islam formed in Iran in 8th-9th Century; roughly 85% of Muslims are Sunni – causes conflict w/Iran which is officially Shi'a since 1501

- Yielded to terrorism and subversion as an expression of its policy; supporter and creator of Hezbollah (in which Syria also played a critical role)
- Makes extensive use of operational intelligence and will learn a great deal about the people they are negotiating with
- May rely on an intermediary; provides support for anti-Israeli forces
- Martyrdom is a central symbolic tenet of Shiite Islam; Lebanon used as a proxy to attack American and Israeli interests

- Hubris of preeminence must be added to insecurity of isolation; Persian, Shiite nation struggling in an Arab, Sunni Middle East; Fear of being surrounded by foes
- Mullahs added Islamist dimension to sense of nationalism and historical grievances
- Embraced Palestinian cause but openly called for annihilation of the Zionist, Jewish state (believe their aim it to oppress Muslims); anti-Israeli themes in many speeches, writings and declarations; Khomeini called for destruction of Israel mainly in response to talks about Israeli attacks on Iran's nuclear facilities – these are preemptive strikes to preempt other strikes
- Ayatollah Khomeini who returned to Iran after the American hostage crisis denounced nuclear weapons as immoral in the 1990's – today, Iran says goal of nuclear program is to generate electricity without dipping into oil supply it prefers to sell abroad, and to provide fuel for medical reactors
- Iranian conservatives believe America remains a strategic threat but also a cultural challenge that could erode the foundation of theocratic rule ever since America entered the Middle East since the Persian Gulf War
- Tehran's determination to sustain nuclear program, quest to push U.S. out of Iraq, resistance against Israel are all means of Iran asserting regional power
- Animosity for all things Western during the Iranian revolution stemmed from the merging of nationalist tendencies with the belief that Iran had been humiliated over the last two centuries, as evidenced by the regime's current rhetoric over the nuclear questions

- Advanced civilization, location & demography gave perception they had the right to dominate region
- Significant oil wealth which offsets Western financial pressures
- Access to Persian Gulf, Gulf of Oman and the Straights of Hormuz (which Iran has threatened to close off)
- Strategic neighbors/borders: Iraq, Afghanistan, Turkey, Pakistan; also, Armenia, Azerbaijan, and Turkmenistan
- Ample natural resources; diverse coastal, mountainous, and nomadic landscapes
- Capable armed forces
- One of the largest countries in the region (both in size & population)
- Long range desire to be a regional hegemon

- Sanctions & pressure towards nuclear program fueled confrontational exchanges
- Shiite political traditions enshrined principle of resisting tyranny
- How to deal w/U.S., "Great Satan," would provoke greatest disagreement w/Iran
- 1980's had most significant impact → experiences directly impact Iran's global perspective (rise of theocratic state, war w/Iraq, enduring enmity w/U.S. and Israel)
- High need for social/group approval; Communal; important to save face
- Relationship is more important than the topic
- Khomeini viewed relations between American and the Middle East as a battle between good and evil
- 444 days of the hostage crisis convinced American public Iran was unsavory, irrational actor with an usual hatred of the US; conversely, Iran sees it as a result of a revolutionary spasm that not preclude resumption of relations with U.S.
- Cultivated relationships with the European bloc, new Russian Federation, and the Persian Gulf emirates

- Council of Guardians: 12 mbrs, most influential body in Iran; 6 theologians appointed by Supreme Ldr, 6 jurists nominated by judiciary/parliament approved
- Revolutionary regime focused on a prevailing orders; complex political system
- Supreme Leader; and a President (President is growing in his responsibilities for national security and foreign policy matters)
- Geographic power; Theocratic rule; Islam (Shari'a) as basic law
- Islamist ideology, strident nationalism, and deep suspicion of the West has driven the global perspective of Ahmadinejad, that of a strong, centralized state
- The Islamic Revolutionary Guard Corps (IRGC): part of the military tasked with safeguarding the values and interests of the revolution
- Militant strategy for exporting the revolution to contest capitalism & communism

- Complexities & contradictions have shaped approach to the world
- Traditional methods versus Western models
- Clerical rulers would transact agreements with rivals & compromise with enemies as their Gulf counterparts
- During Gulf War, Iran tried to mend relationship w/European community & emirates
- War was an opportunity to demonstrate its religious devotion and not to pursue classic conventional war desires (i.e. obtain new territory, etc.)
- The legacy of the Iran/Iraq War haunts Iran and shapes nearly all of its deliberations

- President Khatami launched "Good Neighbor" policy to repair relations with Gulf States by acknowledging the legitimacy of their rule
- High context language: languages: #1 Farsi; northern Iran speaks Turkish; northeastern Iran speaks Urdu, Pashto, Balochi
- Shrewd negotiators who employ various strategies

- Historically, society was divided into three tiers, or *tabagheh*: 1st: upper, 2nd: middle, 3rd: lower; under revolutionary ideology influence, it is now divided into the wealthy (generally prefixed with negative adjectives), the middle class, and the *mostazafin* (literally means disinherited) or working and lower classes
- Society is complex; broad classes subdivided into social groups (found in urban & rural area)
- Persian, Shiite nation with clerical leaders; Ayatollah (Supreme Leader) and a President
- President Khatami sought to form an Islamic Democracy
- Iran experiencing a youth bulge, but birth rates have dramatically dropped (due to presence of birth control and high literacy rate); 2009: 60% of population under age of 30
- High literacy rate: 80% for total population; 86% male, 75% female
- Highest number of Internet users in the Middle East after Israel
- High youth population coupled w/high literacy rate means they can be influenced through soft power (e.g. Internet, cell phones, Twitter, etc.) – this assumes gov't censors can be bypassed
- Starting in 2004, Internet bloggers jailed and charged as political dissidents; Iran executed and imprisoned more journalists & bloggers than any other country; strict controls for print media

- **Evade:** Prolong negotiations: good at exploiting willingness of people to accept process instead of substance
- **Insist:** Tend to insist on a multi-stage negotiating process as a way to stall negotiations
- May use an extensive use of guilt
- Rarely show gratitude when interacting with Westerners despite a strong cultural penchant for ritualized politeness (referred to as *ta'arof* in Persian)
- Logic and turn an argument around to undercut arguments of opponents
- Will play up differences between various factions in their own government to elicit concessions
- Tendency to connect things or idea which, to an outside observer, might appear to be completely unrelated or unconnected

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Notes

¹ Robert M. Shusta, Deena R. Levine, Herbert Z. Wong, and Philip R. Harris, *Multicultural Law Enforcement: Strategies for Peacekeeping in a Diverse Society, Third Edition*, (Pearson Education Inc. Published by Prentice Hall. 2005), 3.

² In military operations, many deployed personnel are exposed to some degree of tailored cross-cultural awareness training before entering the combat theater. That training intended to improve the individual's cross-cultural engagements during routine combat patrols, counterinsurgency efforts, as well as in reconstruction and stability operations.

³ In this paper, "interrogation" is used as a broad term for interviewing the subject of the criminal investigation. Many organizations and agencies use different terms for this engagement, e.g. subject interview.

⁴ Simply restating the problem in a different way is not the intent. Rather, this examination will contribute to existing literature and thought, and will provide a necessary foundation for others to build upon and add emphasis.

⁵ Danika Li, "Global Migration: Trends and Changes," *Diplomatic Courier*, July 19, 2016, <http://www.diplomaticcourier.com/global-migration-trends-changes/>.

⁶ Ibid.

⁷ Joel Kotkin, "The Changing Demographics of America," *Smithsonian Magazine*, August 2010, Accessed October 22, 2016, <http://www.smithsonianmag.com/40th-anniversary/the-changing-demographics-of-america-538284/?all>. This article was adapted from *The Next Hundred Million* by Joel Kotkin. 2010. With the permission of the publisher, The Penguin Press, a member of Penguin Group (USA) Inc.

⁸ Ibid.

⁹ Li, "Global Migration: Trends and Changes."

¹⁰ Ibid.

¹¹ Kotkin, "The Changing Demographics of America."

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Jie Zong and Jeanne Batalova. "Frequently Requested Statistics on Immigrants and Immigration in the United States." Migration Policy Institute. Washington DC. April 14, 2016. [http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Immigrant Population Change over Time](http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Immigrant%20Population%20Change%20over%20Time).

¹⁸ Zong and Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States."

¹⁹ Nadwa Mossaad, "Refugees and Asylees: 2014," United States Department of Homeland Security, Office of Immigration Statistics, Policy Directorate, Annual Flow Report, April 2016, https://www.dhs.gov/sites/default/files/publications/Refugees%20%26%20Asylees%20Flow%20Report%202014_508.pdf

²⁰ Ibid.

²¹ Zong and Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States."

²² Ibid.

²³ Ibid, this Table was taken directly from this source.

²⁴ The Organisation for Economic Co-operation and Development, “About the OECD,” 2016, Accessed October 22, 2016, <http://www.oecd.org/about/membersandpartners/>.

²⁵ Ibid., 15.

²⁶ Ibid., 16.

²⁷ Zong and Batalova, “Frequently Requested Statistics on Immigrants and Immigration in the United States.”

²⁸ Ibid.

²⁹ The Organisation for Economic Co-operation and Development, 2016, http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/international-migration-outlook-2016_migr_outlook-2016-en#page16, 14.

³⁰ Ibid.

³¹ Ibid., 312.

³² United States Citizenship and Immigration Services, “Victims of Criminal Activity: U Nonimmigrant Status,” July 28, 2016, Accessed October 22, 2016. <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ An immigrant from a war torn exotic location will have a more difficult time assimilating into American “culture” versus an immigrant from Great Britain or Canada.

³⁷ United States Department of Justice, *Understanding Community Policing, A Framework for Action*, Monograph, NCJ 148457 (Office of Justice Programs, Bureau of Justice Assistance, August 1994), 5.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ The Department of Justice (DoJ) provides the definition of community policing for the purposes of this paper. DoJ states it is “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.” Notwithstanding, those law enforcement organizations that utilize community policing philosophies must tailor its application to its own contextual and specific operating environment(s). Toward that end, the DoJ encourages “creative thinking, a proactive orientation, communication and analytical skills, and techniques for dealing with quality-of-life concerns.” The DoJ suggests, “Supervisors need to learn how to encourage problem solving and help officers learn from other problem-solving initiatives.” The quoted information comes from: United States Department of Justice, “Community Policing Defined,” Community Oriented Policing Services, ISBN: 978-1-935676-06-5, 1, 2012, revised 2014, <https://ric-zai-inc.com/Publications/cops-p157-pub.pdf>.

⁴⁵ Albeit this example is overstated for illustration purposes.

⁴⁶ This contributes to the efficacy and value of using community policing philosophies. This further ensures resultant policing strategies cultivate shared and prioritized interests, develop common goals, and aid in spotting deviations and anomalies. Montgomery McFate, a cultural anthropologist and a defense policy fellow at the Office of Naval Research, has written about cultural diversity in military combat conditions. However, here, McFate would arguably say the more different one is, the more important it is for law enforcement to understand underlying

cultural dynamics when interacting one-on-one. Montgomery McFate, "Does Culture Really Matter?" *Joint Forces Quarterly*, 2005, 48.

⁴⁷ These skills are not isolated to a particular law enforcement group, rather required across all levels.

⁴⁸ Montgomery McFate, "The Military Utility of Understanding Adversary Culture," In *Cultural Intelligence for Winning the Peace*, edited by Juliana Geran Pilon (Washington DC: The Institute of World Politics Press, 2009), 111.

⁴⁹ It would not be surprising if analogous experiences have occurred with the Syrian diaspora in metro Detroit, the Somali diaspora near Minneapolis, the Iranians who immigrated to Los Angeles, or even with the Chinese who have long been in New York City.

⁵⁰ Emily Spencer, "It's All About the People: Cultural Intelligence (CQ) as a Force Multiplier in the Contemporary Operating Environment," ISSN 1715-5673, *Journal of Conflict Studies*, Volume 29, April 2009, <https://journals.lib.unb.ca/index.php/jcs/article/view/15235/19648>.

⁵¹ *Negotiating* in the context of broader conflict resolution, not "hostage negotiation," which police would immediately think of.

⁵² Raymond Cohen, *Negotiating Across Cultures: International Communication in an Interdependent World* (Washington D.C.: United States Institute of Peace, 2007), 25.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ This is explained by Szalay's model. Ibid., 25-27.

⁵⁶ The author conducted previous research on these competencies for a different student research project (unpublished): "A Negotiation Approach to Enrich Police and Security Intelligence: A Contemporary COIN Methodology for Afghanistan," Air Command and Staff College, Air University Student Research (Maxwell AFB, AL, 2012). That material was used for the writing of this section.

⁵⁷ Cohen, *Negotiating Across Cultures: International Communication in an Interdependent World*, 28-30.

⁵⁸ Ibid., 30.

⁵⁹ Ibid., 29.

⁶⁰ Ibid., 33.

⁶¹ Ibid., 35.

⁶² In America, things get done on time, elsewhere, things get done, when they get done.

⁶³ Cohen, *Negotiating Across Cultures: International Communication in an Interdependent World*, 35.

⁶⁴ Ibid., 34.

⁶⁵ Past, present and future is a continuum, not a set of separate chapters. The future in high context cultures must be rooted in the past—no clean breaks; that is disrespectful of elders and heritage.

⁶⁶ Americans have watches, others have time.

⁶⁷ Americans often get something done, then exchange pleasantries. In other cultures, the relationship is built first, and through that relationship, things get done.

⁶⁸ Cohen, *Negotiating Across Cultures: International Communication in an Interdependent World*, 31.

⁶⁹ Ibid.

⁷⁰ Robert J. Janosik suggests "the individual's personality, culture values, and the social context in which the individual operates are three of the primary components which account for human behavior." Janosik further explains, "Such a multicausal approach, in short, suggests that any attempt to understand negotiation behavior as a genre of human action which attends only to the culturally-defined values of the negotiator will, ultimately, be inadequate." Janosik continues to posit, "The constraints of the social context or situation and the role of the

individual personality must also be taken into account.” Robert J. Janosik, “Rethinking the Culture-Negotiation Link,” in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin, The Program on Negotiations at Harvard Law School (Cambridge, MA: Program on Negotiating Books, 1999), 241.

⁷¹ History is a component of culture. Reference the Wheel of Culture, Appendix C.

⁷² John W. Limbert, *Negotiating with Iran: Wrestling the Ghosts of History* (United States Institute of Peace Press. Washington D.C. 2009), 16.

⁷³ Ibid.

⁷⁴ Andrei Shleifer, “Psychologists at the Gate: A Review of Daniel Kahneman’s *Thinking, Fast and Slow*,” *Journal of Economic Literature*, 2012, 50(4), 1080. <http://dx.doi.org/10.1257/jel.50.4.1080>.

⁷⁵ Kahneman worked alongside the late cognitive and mathematical psychologist Amos Tversky.

⁷⁶ Daniel Kahneman, *Thinking, Fast and Slow*, (Farrar, Straus and Giroux. New York. 2011), 20-21. This is the exact definition and precise examples provided by Kahneman.

⁷⁷ Ibid. This is the exact definition and precise examples provided by Kahneman.

⁷⁸ Ibid., 85.

⁷⁹ Ibid., 4.

⁸⁰ Dr. Stefan Eisen Jr. “The Skills of Negotiation,” Lecture (Air War College, Maxwell AFB, AL, September 8, 2016).

⁸¹ Keith E. Stanovich, and Robert F. West, “Individual differences in reasoning: Implications for the rationality debate?” *Behavioral and Brain Sciences*, 23(5), 2000, 659.

⁸² Ibid.

⁸³ Remember the hypothetical Iraqi and his vehement hand gestures approaching the officer in his or her peripheral vision (from earlier in this paper)? The police officer’s engrained System 1 thinking may automatically process those actions as a threat causing the officer to immediately create distance in a bladed posture with one hand on a weapon and the other hand extended out. Muscle memory and training kick in. System 2 thinking and prior preparation may have readied the officer for the Iraqi’s approach as culturally expected, perhaps nonthreatening, and maybe without malicious intent to escalate any on-going situation. This example is simply for illustration purposes; it is clear each situation is different, threats appear in a fraction of a second, and vigilance saves lives

⁸⁴ Kahneman, *Thinking, Fast and Slow*, 4.

⁸⁵ Ibid.

⁸⁶ Law enforcement professionals need both systems, but the wise officer knows when to use which system.

⁸⁷ Eisen Jr., “The Skills of Negotiation,” Lecture.

⁸⁸ Ibid.

⁸⁹ American football quarterback Payton Manning was often credited as the most readied player on the field. His pre-game preparations and understanding of opposing defenses was arguably unmatched by anyone who ever played the game. Police should take a page out of Payton’s professional playbook and aspire to be as prepared for their environment. Likewise, diplomats take time to understand their environment and context to secure better deals; police should do this when investigating crime.

⁹⁰ Dr. Stefan Eisen Jr., Practical Guide to Negotiating in the Military, *U.S. Air Force Negotiation Center of Excellence* (Maxwell AFB, AL, 2011), 2.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Cohen, *Negotiating Across Cultures: International Communication in an Interdependent World*, 26.

⁹⁴ Jeffrey Z. Rubin, "Some Wise and Mistaken Assumptions About Conflict and Negotiation," in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin, The Program on Negotiations at Harvard Law School (Cambridge, MA: Program on Negotiating Books, 1999), 9.

⁹⁵ Ibid.

⁹⁶ Eisen Jr., Practical Guide to Negotiating in the Military, 2.

⁹⁷ Ibid., 9. This Figure is Dr. Eisen's exact model depiction.

⁹⁸ Ibid. Refer to Dr. Eisen's Negotiating Preferences and Style Chart for complete explanation. Dr. Eisen explains, "All five strategies have value and serve a purpose. Because negotiations occur in such a wide range of circumstances, no single strategy will cover all the variables."

⁹⁹ Eisen Jr., Practical Guide to Negotiating in the Military, 9.

¹⁰⁰ Ibid.

¹⁰¹ Ibid., TIPO Analysis Framework Model.

¹⁰² Ibid., 3.

¹⁰³ Ibid., 6.

¹⁰⁴ This could further be applied and explored to understand dissimilarities across America. Individuals from Boston, Massachusetts may be different than those from Albuquerque, New Mexico or Seattle, Washington.

¹⁰⁵ Eisen Jr., Practical Guide to Negotiating in the Military, 19.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Choosing the most appropriate negotiation preference and style is paramount to success. The beginning assumption is law enforcement's "desire to achieve a mutually satisfactory outcome while simultaneously managing the relationship." Because of inherent American culture tendencies, the challenge is to ensure it remains a CNS and not drift into a more comfortable insist strategy masked by CNS rhetoric. Trust, acceptable levels of information sharing, the desire for enduring relationships, and shared goals will aid in keeping the communication on track. This long-term, cooperation-centric exchange is not intended to establish a final position on a single issue. Rather, it will be a fluid dialogue to cultivate joint interests and solve problems. Ibid., 14.

¹¹⁰ Ibid., 42.

¹¹¹ Ibid., 6.

¹¹² Ibid., 42.

¹¹³ Ibid., 35.

¹¹⁴ Ibid., 42.

¹¹⁵ Ibid., 8.

¹¹⁶ Ibid.

¹¹⁷ Ibid., 24.

¹¹⁸ Ibid.

¹¹⁹ Ibid., 4.

¹²⁰ Rubin, "Some Wise and Mistaken Assumptions About Conflict and Negotiation," in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin, 10.

¹²¹ Assuming the individual is an American citizen and subject to U.S. Constitutional Rights, but has not assimilated into American culture.

¹²² While not introduced in this paper, these ideas and the thesis argument are not isolated to criminal investigations, but highly relevant – and must be considered – in counterintelligence (CI) activities as well; CI and law enforcement missions are resident in such combined agencies as the FBI and AFOSI.

¹²³ In the course of this academic endeavor, Dr. Eisen suggested the idea to create a database where law enforcement officers report and share their experiences – to the depth and fidelity that other police officers (as they prepare for their engagements) might mine that data to gain insight. The author is not aware that such a database or capability presently exists in the law enforcement community.

¹²⁴ This research uses the assumption law enforcement officers are largely of a similar professional and organizational culture. Even when an officer's ethnicity or race is similar to those they serve, their professional training creates predispositions in how they handle situations. As it relates to intra-organizational culture, organizations must determine if their officers come from a different cultural background than those in which they serve and interact. If so, does the organizational culture embrace those differences and work to close the gap, or does the organization fuel biases? Could the organization be unaware of unintentional barriers or blind spots? These are legitimate questions to explore and be answered; and may even require a degree of organizational readjustment or broader change.

¹²⁵ Christine Sereni-Massinger & Nancy Wood, "Improving Law Enforcement Cross Cultural Competencies through Continued Education," *Journal of Education and Learning*; Vol. 5, No. 2. April 4, 2016, <http://www.ccsenet.org/journal/index.php/jel/article/viewFile/57281/31450>.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Department of the Army, "Negotiations," GTA 21-03-12, *Army Culture and Foreign Language Program. Maneuver Center of Excellence* (Ft. Benning, GA. June 2012), 15.

¹²⁹ Christopher W. Moore and Peter J. Woodrow, *Handbook of Global and Multicultural Negotiation* (San Francisco, CA: Jossey-Bass, A Wiley Imprint, 2010), <http://blogs.unpad.ac.id/teddykw/files/2012/06/Handbook-of-Global-and-Multicultural-Negotiation-Christopher-Moore.pdf>.

¹³⁰ Department of the Army, "Negotiations," GTA 21-03-12, 15.

¹³¹ Ibid.

¹³² Although no specific statistics or data was located to support this assertion.

¹³³ Human Dimension Capabilities Development Task Force, 2015, "Cross-Cultural Competence: Overview of Cross-Cultural Training Theory and Practice for the Army," The U.S. Army Training and Doctrine Center (TRADOC), Combined Arms Center, September. http://usacac.army.mil/sites/default/files/documents/cace/LREC/HDCDTF_WhitePaper_CrossCulturalCompetence_Training_FINAL_2015_10_20.pdf.

¹³⁴ AFOSI Special Investigations Fact Sheet, <http://www.osi.af.mil/About/Fact-Sheets/Display/Article/349950/air-force-special-investigations-academy/>. Also, on November 11, 2016, the author spoke with Special Agent Christopher Scroggs, Course Director, AFOSI Expeditionary Activities Course, USAFSIA Detachment 1. This background information was included with his permission.

¹³⁵ On November 18, 2016, the author spoke with Ms. Patricia Donovan, U.S. Department of Homeland Security, FLETC Behavioral Science Division. In discussion with Ms. Donovan, FLETC agrees there could be value in further training on cross-cultural competencies and the exploration of how diplomatic-minded negotiation techniques can be useful in policing activities. This background information was included with her permission.

¹³⁶ On December 1, 2016, the author spoke with FBI Supervisory Special Agent Eugene J. Casey, Instructor, FBI Academy at Quantico, who instructs interviewing and interrogation training. This background information was received directly from SSA Casey and included with his permission.

¹³⁷ On November 21, 2016, the author spoke with FBI Supervisory Special Agent Colton W. Seale, Training Coordinator, FBI HIG. This information was received directly from SSA Seale during that phone conversation as well as in an email message to the author on November 22, 2016. This background information was included with his permission.

¹³⁸ FBI HIG Research Dissemination Report #17 (2013). "Mapping Stereotypes about Groups across Societies." September. Research conducted by Federica Durante (University of Milan-Biococca), Susan T. Fiske (Princeton University), & Michele Gelfand & Amelia Stillwell (University of Maryland). Report written by S.E. Brandon, Ph.D., High Value Detainee Interrogation Group. Summary: "The Stereotype Content Model (SCM) shows how people in a society think about each other in terms of perceived warmth and competence. The work here shows that these maps are different for high-conflict countries compared to low-conflict countries. Understanding how people in a society feel about each other via SCMs can be used to enhance the effectiveness of the interrogation of an individual from that society."

¹³⁹ FBI HIG Research Dissemination Report #27 (2014). "Perceptions of Interrogating Persons from Other Cultures." September. Research conducted by Christopher Kelly (St. Joseph's), Sami Abdel-Salam (West Chester) & Jeanee Miller & Allison Redlich (Albany) Universities; Report written by S.E. Brandon, Ph.D. and S. Bhatt, Ph.D., High-Value Detainee Interrogation Group. Summary: "A multinational sample of criminal and military interrogators were surveyed on-line for their perceptions of the effectiveness of various interrogation approaches and techniques as a function of whether the person they interrogated was of the same or different culture, language, gender, or age as them. The study revealed significant interrogator bias towards believing that interrogation methods work best for individuals similar to them."

¹⁴⁰ FBI HIG Research Dissemination Report #31 (2014). "Intercultural Trust & Social Influence." September. Research conducted by Dr. Michele Gelfand, U. MD and Dr. Engin Öztürk, Dokuz Eylül University (Turkey); Report written by S.E. Brandon, Ph.D., High-Value Detainee Interrogation Group. Summary: "Professional business, government, legal, and tribal negotiators were interviewed in Algeria, Iraq, Egypt, Jordan, Saudi Arabia, Syria, Tunisia and the UAE. The interviews were conducted in the local dialect, tape recorded, transcribed, and translated into English. A multinational research team searched through the transcripts and identified six themes: (1) Relationships are key; (2) Guilty until proven innocent; (3) Honor is the pillar of negotiation; (4) How honor is gained; (5) How honor is lost, and (6) Negative stereotypes about Americans."

¹⁴¹ On January 11, 2017, the author spoke with Lieutenant Brody Boucher, Commander, Michigan State Police Trooper Development Section. In discussion with LT Boucher, MSP agrees there could be value in further training on cross-cultural competencies and the exploration of how diplomatic-minded negotiation techniques can be useful in policing activities. This background information was included with his permission.

¹⁴² John W. Limbert, *Negotiating with Iran: Wrestling the Ghosts of History* (United States Institute of Peace Press, Washington D.C. 2009), 153-176. I have taken Dr. Limbert's research, ideas and words directly from Chapter 6 and transcribed them into a table format to support this paper; little new information or ideas were established.

¹⁴³ Ibid. I have taken Dr. Limbert's research, ideas and words directly from Chapter 6 and transcribed them into a table format to support this paper; little new information or ideas were established. Dr. Limbert's lessons were used to develop situations that one might find within law enforcement, or that may already have had a direct linkage to a police situation. I added few words to illustrate the connection to law enforcement.

¹⁴⁴ John W. Limbert, "The Obama Administration" *The Iran Primer* (U.S. Institute for Peace, 2015), 7, <http://iranprimer.usip.org/resource/obama-administration>.

¹⁴⁵ Limbert, *Negotiating with Iran: Wrestling the Ghosts of History*, 172. Dr. Limbert includes a footnote in his book with regards to this statement; he says, "There is an often-quoted statement (of uncertain origin) that says, 'Iranians will never give in to pressure. They will give in only to a lot of pressure.'"

¹⁴⁶ Author used the following sources when creating this Iran WOC: Michael Connell, "A Roundtable Organized by the Foreign Leadership Studies Program in the Center for Strategic Studies," 19 April 2006. <http://www.cna.org/news/events/2006-04-19>; Ray Takeyh, "Guardians of the Revolution; Iran and the World in the Age of the Ayatollahs," A Council on Foreign Relations Book, Oxford University Press (New York, NY, 2009); Major Brian M. Alexander, *Afghanistan Wheel of Culture Map*, U.S. Air Force Negotiation Center of Excellence, Air University Student Research (Maxwell AFB, AL, 2012), retrieved from <http://culture.af.mil/NCE/auresearch.html>; Col Jonathan R. Payne, Air University Adjunct Faculty, Air Force Negotiation Center of Excellence, Maxwell AFB, AL, Notes and Comments, 2013; Various, non-academic, Internet sites.

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