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Crisis Negotiators: A Non-Lethal Resource

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ABSTRACT

The courts and society have demanded that law enforcement exhaust all non-lethal resources before escalating into violence. The purpose of this research paper is to prove that crisis negotiators not only save lives, but reduce liability due to avoidable death and/or injury. The intended method of research includes a written survey, published books and articles and the internet. Crisis Negotiators are a non-lethal resource available to all law enforcement agencies. Research should prove that negotiators save the lives of confused citizens, innocent bystanders and law enforcement officers. Negotiators satisfy the public's outcry for more understanding and assistance and less violence from the law enforcement agencies that serve them.

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INTRODUCTION

Many law enforcement agencies provide their officers the opportunity to further their training into specialized areas such as narcotics, tactical teams, and K-9. A specialized area that is well known, but often overlooked is Crisis Negotiations. Crisis negotiations can be summarized in one word - communication. A negotiator is a communicator, a talker, a conveyer of ideas, a persuader (Alexander et al., 1991; McMains & Mullins, 2001). The goal of negotiators is a safe and peaceful resolution to a crisis situation before it escalates into violence. Examples of crisis situations that negotiators may respond to are hostage-takers, barricaded suspects, suicidal individuals, mental patients, high-risk warrant executions, and calls involving SWAT (Special Weapons and Tactics).

Officers who would like to be negotiators should possess excellent interpersonal communication skills, a high level of self control, the ability to remain calm in stressful situations, and good listening and interviewing techniques. The basic training required for a crisis negotiator consists of a 40-hour negotiator course from an accredited school or agency, the most popular course is taught by the Federal Bureau of Investigation. This training should be supplemented with continuing education in psychology, cultural diversity, Critical Incident Stress Management, and advanced negotiator courses.

Do crisis negotiators benefit their agency and the community that they serve by saving lives and reducing liability? Or are negotiators a waste of manpower and resources that could be used in other vital areas of law enforcement? The intended method of inquiry will include a random survey of 23 law enforcement officers throughout the State of Texas, internet resources, and published books and articles. The research should prove that crisis negotiators benefit their agency by saving the lives

and reducing injuries of tactical team members by limiting the amount of forced entries that a tactical team makes into armed situations. The research should substantiate the claim that negotiators reduce the agency's liability from avoidable death and injury of officers and citizens. Furthermore, the research should show that the community also benefits from having trained crisis negotiators by saving the lives of not only the hostages, but the lives of confused and emotional citizens who barricade themselves and/or threaten suicide.

REVIEW OF LITERATURE

According to McMains and Mullins (2001), there was no training in crisis management, hostage negotiation, or abnormal behavior in police departments prior to 1973. Departments faced with a person holding hostages used one of three methods to manage the incidents: (1) They relied on the verbal skills of the individual patrol officer. (2) They walked away. (3) They amassed manpower and firepower at the scene and demanded that the subject release the hostages and surrender. If compliance was not obtained within a reasonable length of time, an assault was launched (Russell & Biegel, 1979; McMains & Mullins, 2001).

In the mid 1970s, specialized teams consisting of specially armed and trained officers (SWAT) were established. However, their effectiveness in reducing injuries and death in violent confrontations was questionable (McMains & Mullins, 2001).

Schlossberg (1979a) reported that in 78 percent of assaults, people were injured or killed and police officers often sustained the casualties (McMains & Mullins, 2001).

In 1975, the legal foundation for the use of hostage negotiation techniques in the United States was laid by *Downs v. the United States* (McMains & Mullins, 2001). The

court case was in reference to a plane that had been hijacked and when it landed for refueling, police assaulted the plane and two of the hostages were killed. The U.S. Court of Appeals found there was “a better-suited alternative to protecting the hostages’ well being” (Birge, 2002). As a result of *Downs v. the United States*, the courts have reinforced the demand to “exhaust all reasonable non-violent options” before escalating the level of force (Birge, 2002). Negotiators are one of the non-lethal resources available to all law enforcement agencies.

Chief Justice of the Supreme Court John Marshall (1755-1835) said, “To listen well is as powerful a means of communication and influence as to talk well.” Negotiators are trained in diffusing and resolving critical situations and their primary tool of crisis negotiation is active listening. For negotiators, active listening is the ability to see a circumstance from another’s perspective and to let the other person know that the negotiator understands his perspective (Lanceley, 1999). The active listening approach uses a combination of several different techniques. Emotion labeling is the first technique that a negotiator should use and consists of phrases like “you sound angry or you sound upset.” Paraphrasing or summarizing what the subject has told you, allowing silence and giving the subject time to vent are other examples of the active listening approach. According to Noesner and Webster, abundant clinical evidence and research suggest that active listening is an effective way to induce behavioral change in others.

The purpose of crisis negotiations is to establish communication so that the negotiator can develop a rapport with the subject. After developing a rapport, the negotiator guides the subject to a more rational level. The Crisis Prevention Institute stresses the importance of listening with empathy, trying to understand where the person is coming from (Dufresne, 2003). Dufresne believes that developing a rapport

can be accomplished through giving the subject your undivided attention, being nonjudgmental, focusing on the person's feelings, not just the facts, allowing silence, and using restatements to clarify messages. However, negotiations take time. The most common error made in negotiation situations is trying to hurry the process by rushing into problem solving before establishing a measure of trust (Birge, 2002).

When responding to a critical incident involving a hostage taker or barricaded subject, crisis negotiators generally confront one of two types of behavior - instrumental or expressive (Noesner & Webster, 1997). Instrumental behavior is characterized by clear demands and objectives that will benefit the subject. Bargaining and problem solving techniques are recommended in goal oriented behavioral incidents. Comfort items such as food, drinks, and cigarettes are commonly used for bargaining. Weapons, drugs or trading hostages are not negotiable.

Expressive behavior is characterized by a subject's strong need to express himself. The majority of critical incidents that negotiators will respond to involve subjects who are in an emotional crisis and often display illogical or irrational behavior. These subjects are more concerned with expressing their anger, hurt, despair, or beliefs of being treated unfairly than they are in bargaining in a rational manner (Noesner & Webster, 1997). They lack a clear sense of purpose and their main desire is to ventilate their feelings. The best negotiation technique to use in expressive behavior incidents is active listening.

If an agency is large enough and has the resources, then a negotiation team should be implemented. A negotiation team consists of a minimum of three negotiators, a primary, a secondary, and an intelligence negotiator. The primary negotiator is the person who communicates and attempts to build a rapport with the suspect. The secondary negotiator assists the primary with

advice and note taking. The intelligence negotiator gathers information about the suspect by interviewing the suspect's family, friends, and neighbors, checking for a history of mental illness, and compiling a criminal history. Critical information about the subject's psychological state can be passed along to the tactical team and other officers in the immediate area. Other team members would keep SWAT and the command staff informed about the situation and gather needed equipment and personnel.

In 1995, the Crisis Management Unit at the FBI Academy established the Hostage Barricade Database System (HOBAS) to collect data from law enforcement agencies throughout the United States. HOBAS has been collecting information on incidents involving crisis negotiators since 1983. According to HOBAS, the duration for most critical incidents is 2-4 hours. Early contact between the subject and the negotiator can serve as "verbal containment" and can help reduce tension and minimize misunderstandings (NCNA).

Several authorities (Strentz, 1979; Schlossberg, 1979) suggested that there are four options available to the police when there is a negotiable situation. They are: (1) An assault on the location (2) Selected sniper fire (3) Chemical agents and (4) Contain and negotiate (McMains & Mullins, 2001). An assault on the location can end the situation quickly, but it can also pose a significant risk to police officers, hostages, and innocent citizens. Selected sniper fire is another option that can end the situation in a timely manner, if the right person is shot. On several incidents, the hostage taker switched clothing with a hostage in order to confuse the police. Chemical agents, such as tear gas, used during an assault can also end the situation swiftly, but will also reveal the intentions and locations of the tactical team to the subject. Contain and negotiate will not end the situation as quickly as the other options. However, negotiations have

the “advantage of saving lives and projecting a good public image” when a subject surrenders rather than shot and killed, especially when dealing with mentally ill citizens (McMains & Mullins, 2001).

The relationship between the tactical team and the negotiation team has often been described as the “velvet glove that covers an iron fist” (Howard, 2003).

Negotiations will not work unless there is a threat of force. Without a threat of force, hostage takers have no reason to negotiate because they have nothing to lose.

Therefore, negotiators and tactical teams should train together so that if a transition needs to be made from negotiations to a tactical entry, it will be a smooth one. The negotiator gathers intelligence for the tactical team such as how many hostages are in the building and the location of the suspect and/or hostages. Negotiators can provide a cover story to the subject regarding tactical team movements or stall the subject until the tactical team is in position. If negotiations don’t work, SWAT officers may use what are known as less-lethal weapons, such as bean bag rounds or tasers (Simmons, 2003), or the situation may call for a deliberate assault, increasing the risk for injury and/or death.

METHODOLOGY

Do crisis negotiators benefit law enforcement agencies and the community that they serve by reducing the risk of death and injury? Research will show that the use of crisis negotiators not only saves lives, but reduces the threat of civil liability to the law enforcement agencies and their communities by exhausting all possible means for a peaceful resolution. In addition, research will demonstrate the benefit of having patrol officers, who are trained negotiators, answering calls for public assistance on a 24 hour basis.

The intended method of research includes a written survey, published books and articles and internet sources. The written survey, consisting of ten questions, was distributed to 23 law enforcement officers. The officers were from a variety of agencies throughout the State of Texas including Municipal, County, State, University, and School District. All of the officers completed and returned the survey, and the results will be analyzed based on agency type and size.

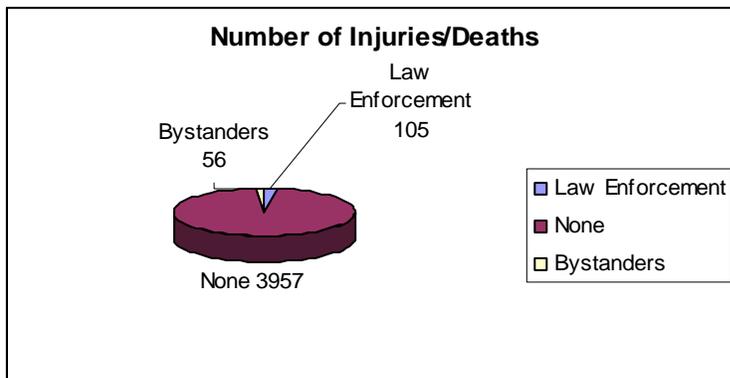
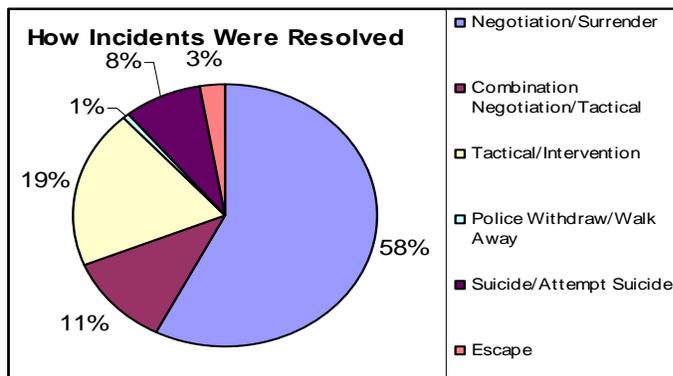
FINDINGS

According to the FBI's HOBAS statistical report of incidents that was compiled on May 26, 2004, since 1983 there have been 4118 incidents in the United States in which police negotiators responded to a crisis situation. The majority of these incidents were unplanned (70%), with barricaded subjects (58%) and the first person who was contacted was a law enforcement officer (84%). Out of 4118 crisis incidents, 2368 were resolved by a negotiated surrender, 472 were resolved by a combination of negotiation and tactical, 795 were resolved by tactical intervention only, and 483 were resolved by suicide, escape or withdrawal by police. The most common types of tactical action that were taken included deliberate assaults (583), emergency assaults (141), and less than lethal means (733). Negotiators assisted tactical teams by creating a diversion (346), stalling for time (228) and setting up the subject for an assault (204).

HOBAS reports that out of the 4118 crisis incidents, 56 bystanders and 105 law enforcement officers were injured or killed. An assumption can be made that few, if none, of the deaths or injuries occurred during the 2368 incidents that were resolved by a negotiated surrender. This data suggests that 161 innocent people were most likely injured or killed in the remaining 1750 crisis incidents. Statistically, this indicates that

the use of negotiations in crisis incidents saves the lives of citizens and officers and reduces liability due to avoidable injury and/or death.

The following two pie charts provide a visual illustration of how effective negotiators were in the 4118 crisis situations:



The return on the written survey that was distributed to 23 Texas law enforcement officers was 100%. The officers unanimously agreed that negotiators save lives and reduce liability due to avoidable injury and/or death. Of the officers that were surveyed, eight officers were from municipal agencies that employed less than 50 officers, five from municipal agencies with less than 100 officers, and six from a combination of county and municipal agencies that employed 200 or more officers. All of their agencies had recognized the need for negotiators and had at least one trained negotiator on staff.

The larger agencies had negotiation teams that averaged about eight members and trained on a monthly or bimonthly basis. The remaining officers were employed by school districts and universities and did not have negotiators. In the event of a crisis situation, they relied on other agencies for assistance.

Negotiation is a combination of communication and active listening. The ability to be an effective communicator is not something that a person is born with.

Communication and active listening are skills that can be learned and practiced. Patrol officers can be trained as negotiators and respond to common situations such as “domestic disturbances, dealing with children, persons with a mental illness, assisting victims and calming down out of control colleagues” (Dufresne, 2003). Patrol officers who learn how to communicate in a non-threatening and non-judgmental manner, can change the subject’s perception of the officer. If the subject perceives the officer as a friend rather than the enemy, the officer may be able to redirect the subject’s negative behavior and the incident can be resolved peacefully.

CONCLUSION

Do crisis negotiators benefit their department and the community that they serve by saving lives and reducing liability due to avoidable death and/or injury? Since the mid 1970s, society has demanded that law enforcement agencies use all available non-violent means to end aggression before resorting to deadly force. The National Council of Negotiation Associations (NCNA) reports that, “the application of Crisis Negotiation skills has consistently proven to be law enforcement’s most risk effective method to achieve the desired outcomes.”

The potential for conflict within our society continues to grow. Psychologist and police consultant, Mike Webster (1997) describes this potential by saying that:

As our world and the distance between us become smaller, the chances for us to collide with one another, either physically or philosophically, increase. Conflict seems more like a growth industry than a transient aberration. However, it is a conscious act... and if we apply our moral strength and intellectual faculties to the topic, we can only improve our ability to deal with it.

The statistical data in HOBAS clearly indicates that negotiators do save lives and reduce liability. The combination of negotiators and tactical teams can save the lives of hostages, innocent bystanders, and law enforcement personnel. Negotiators help buy time for the tactical teams to get into position, they gather important information about the subject's emotional state, location of hostages, and in best case scenario, they talk the subject into surrendering without any further violence.

The death of a loved one, the loss of a job or the end of a personal relationship can cause a normally sane person to temporarily act in an irrational and illogical manner. When a person loses the ability to cope with the stress, a violent reaction towards innocent citizens may result. As long as communities have citizens who suffer from mental illness, abuse drugs, commit crime, or experience personal crisis, there will be a demand for law enforcement response (McMahon & Zakrewksi, 2003). The courts, law enforcement agencies and society have recognized the need to have non-violent options available to handle these types of incidents. Crisis negotiators are a non-violent resource available to all law enforcement agencies and to the communities that they protect and serve. Negotiators provide a positive image of law enforcement to society

and they demonstrate to the citizens that their agencies care about everyone's safety and well being.

REFERENCES

- Birge, R. (2002, March). Successful Hostage Negotiations. *Law and Order*, (Vol. 50, No. 3). 102 - 106.
- Dufresne, J. (2003, August). Communication is the Key to Crisis De-escalation. *Law and Order*, (Vol. 51, No.8). 73 - 75.
- Howard, K. (2003, August 03). Dealing with Desperation: Negotiators in Constant Crisis [Electronic Version]. *Las Vegas Review Journal*. Retrieved May 27, 2004 from [http:// www.reviewjournal.com](http://www.reviewjournal.com)
- Lanceley, F. (1999). *On-Scene Guide for Crisis Negotiators*. New York: CRC Press LLC.
- McMahon, D. & Zakrzewski, D. (2003, March). Scenario Training for CNT. *Law and Order*, (Vol. 51, No. 3). 78 - 82.
- McMains, M. & Mullins, W. (2001). *Crisis Negotiations*. (2nd ed.). Cincinnati: Anderson Publishing Co.
- National Council of Negotiation Associations (2001). Retrieved 05-27-04 from <http://www.icnaonline.com/ncnaguide.htm>
- Noesner, G. & Webster, M. (1997, August). Crisis Intervention: Using Active Listening Skills in Negotiations [Electronic Version]. *Law Enforcement Bulletin*.
- Simmons, A. (2003). *Gwinnet's SWAT Team Prepared For Any Circumstance* [Electronic Version]. Retrieved April 19, 2004, from <http://www.gwinnettdailyonline.com>
- Webster, M. (1997). Process vs. Outcome in the Management of Hostage/Barricaded Persons' Incidents. *The RCMP Gazette*, (Vol. 59, No. 5). 24 - 27.
- Wind, B. (1995). *Guide to Crisis Negotiations* [Electronic Version]. Retrieved May 08, 2004, from <http://www.lectlaw.com/files/cjs10.htm>