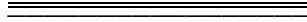
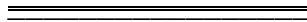


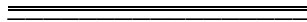
**The Bill Blackwood  
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**Crisis Intervention Units and Third Party Intermediaries**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
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Leadership Command College**



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## **ABSTRACT**

The use of Crisis Intervention Units (CIU) during a critical incident is relevant to contemporary law enforcement because of the changing world lived in today. The types of issues that are being dealt with all across the United States seem to be growing during these harsh economic times. The diverse cultures and sub-cultures that now call the United States home can add several more difficulties into what is seemingly an “ordinary” situation. Along with the addition of foreign cultures and languages come the inherent dangers of miscommunication.

The training that was given to police officers in the late 70's and into the 80's was very restrictive in the use of the Third Party Intermediary (TPI). There is a growing need for police departments to understand that introducing a TPI is no longer taboo; it can open up a multitude of opportunities for peaceful resolutions. Technology has become a major factor in the “safe” use of the TPI. Law enforcement can have TPI's pre-record audio and video scripts and control the introduction of this media to the person in crisis or the hostage taker. Negotiators can conduct research via the internet to better learn who or what it is that they are dealing with. Technology, educational associations, best practices, and lessons learned have made crisis intervention and the use of TPI's a more viable resource for law enforcement today.

All ages across the world are exposed to and partake in negotiations everyday for a plethora of reasons. People are growing more accustomed to the practice of negotiations and accepting the word of the unbiased intermediary or arbitrator. The professionals in law enforcement will benefit from the growing familiarity and general acceptance of negotiations when it comes time to deploy their specially trained units to

bring about a peaceful resolution in a critical incident. Law enforcement agencies should use a trained hostage negotiations unit and possibly TPI's during critical incidents. The internet, law enforcement magazines, printed training manuals, case law and published books were used to support the position of this paper.

The recommendation is for Chief's of Police to ensure that their departments have a fully staffed and equipped Crisis Intervention Unit (CIU) that has the latest training in crisis intervention and hostage negotiation techniques that can deploy to critical incidents. Furthermore, it is recommended that law enforcement agencies support the use of Third Party Intermediaries after carefully calculating the risk and benefit as well as Crisis Intervention Training (CIT), which has derived from the ethical and moral obligation to preserve life.

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## INTRODUCTION

Negotiating in the United States is as commonplace as brushing one's teeth. Early settlers had to experience negotiating to survive. It has become a way of life for many across the universe. Negotiating has been referred to as bartering, horse trading, and "scratch my back and I'll scratch yours" for centuries. People find themselves negotiating for position, money, desires, and needs. The more common reason for negotiating is to receive a sense of satisfaction for coming out on top of some sort of self serving competition.

People all across the Universe are growing more and more accustomed to the idea of give and take. Very few people are surprised today when they are contacted by the police when they find themselves in crisis. People who have created a critical incident may in fact actually expect or demand the police to contact them. Many states are requiring their first responders and dispatchers to complete crisis intervention training. McMains (2009) stated that negotiators are actually beginning to act as consultants to first responders. This new concept confirms that handling persons in crisis is on the rise and that there is a need to have a staff trained in the art of crisis intervention. A large percentage of critical incidents are dealing with the mentally ill and suicidal persons and not with hostages.

While the mentally ill and suicidal pose a threat to themselves, their intent to harm others is largely based on public perception of the police response and not the actions of the individual in crisis. It is in the best interest of law enforcement to have a standard policy regarding call out guidelines and a clear line of communication between the negotiators, tactical, and command staff. Several factors can affect the desires of

the command staff response to limit the footprint they place on a community. These factors can include time of day/night, traffic concerns, geography, staffing, and budget. While these are all real concerns and must be taken into account, should the resolution be fatal or injurious for anyone involved, the final outcome may be based on the fact that the agency did or did not have a hostage negotiations unit and they did or did not utilize them in accordance to their policy. Crises can be triggered by an emotionally significant event or radical change of status in a person's life. While a large number of people have the capacity to deal with a crisis or even a multitude of crisis' in their life, law enforcement is consistently coming in contact with the individuals who cannot. This is changing the face of hostage negotiation units (Greenville Police Department, 2001).

The economy plays a major role in the amount of crisis in a community. For example, if a large employer shuts down, people stand a greater chance of losing things in life that they cherish the most. The loss of one's home, life's savings, spousal support, and child support are just a few significant emotional events that can trigger a crisis. Some of these crises can be very complicated and difficult to talk about and subject matter experts may have to be called in to educate the negotiator(s). With time playing a major role in the outcome of these incidents, it may become necessary for the subject matter expert to become a Third Party Intermediary (TPI). Technology can play a vital role in allowing the subject matter expert or TPI to have a significant positive impact in the outcome of the crisis. A video message or an audio recording can be scripted, practiced, reviewed, and then sent to the person in crisis. This allows a message to be sent without infringing upon a safety tactic and ensures that the "wrong" thing is not being said. This puts the TPI at ease because most would not be

accustomed to dealing with a violent situation and it shelters them from direct contact with a situation that may end violently. TPI's usually are in one of the following categories: family, friends, attorney, clergy, mental health professional and media (Lanceley, 2002). These categories of people, for the most part, are not trained in police tactics of negotiating and could possibly have a different set of interests than the police. Subject matter experts and TPI's should be used with calculated caution but certainly not ruled out because of their title. Crisis Intervention Units should be utilized during critical incidents, as well as Third Party Intermediaries.

## **POSITION**

Crisis intervention has become a basic law enforcement expectation and is a part of the assets a contemporary law enforcement agency employs today. Law enforcement agencies have several things to consider when deciding to have a Crisis Intervention Unit (CIU). First and foremost the decision needs to be made in the best interest of public safety. Crisis intervention is a tested and proven method for dealing with individuals who are dealing with situations that are beyond their emotional or psychological capacity.

Law enforcement in Texas began a statewide mandate of Crisis Intervention Training (CIT) for officers in 2005. This type of training has been around for years but not mandated for all first responders. Two white Memphis police officers, in September 1987, answered a 911 call and ended up shooting and killing a young African-American man. He was cutting himself with a knife and threatening suicide and had a known history of mental illness. The police officers acted in accordance with their training when confronted in a deadly force issue. They demanded that the man drop his

weapon. This enraged the young man in crisis and led up to a deadly force confrontation. Vickers (2000) stated, "Although the welfare of both officers and the mentally ill in situations of confrontation had been a concern for some time, this death, with its racial overtones, was the catalyst that resulted in the creation of CIT a year later" (p. 4). State agencies appear to be overwhelmed with requests for service from their end users. People who suffer from a mental illness have fewer avenues for assistance because many of them lack insurance or the means to acquire services. Law enforcement's first responders are responding to more and more calls where someone needs to help. Law enforcement officers continue to encounter numerous situations where a mentally ill subject was injured because they (police) did not understand their role and obligations in mitigating the call. First responders are better equipped and trained to respond to today's critical incidents.

The second issue to consider when debating to have or not to have a CIU may be better clarified when considering *Downs v. United States* (1975). This case involves the forced hi-jacking of a small engine airplane in Nashville, Tennessee on October 4, 1971. The plane's hijackers scheduled a stop at the Jacksonville International Airport to refuel and then continued on to Freeport, Bahamas. Assistant Special Agent James J. O'Connor responded and assumed command of the incident. Two important side notes about Special Agent O'Connor is that he was a 21 year veteran of the Federal Bureau of Investigations (FBI) and was second in command of Jacksonville's regional FBI office and its 78 agents. Once the hijacked plane landed and Special Agent O'Connor refused to allow the refueling of the plane, the hijacker released two of the planes five occupants. The two occupants were supposedly released to negotiate for fuel. One of

the occupants had vital information about an explosive device on the plane but was never really questioned about it or anything in regards to the suspects. One of the released persons ended up being a co-actor and was not questioned; this was in accordance with FBI regulations (*Downs v. United States*, 1975).

What O'Connor had just done was called negotiation and it was successful. O'Connor failed to realize that he had made great strides towards a peaceful resolution. O'Connor had also demonstrated that he was aware of FBI regulations by not questioning the co-actor but failed to follow FBI regulations in regards to hostage safety with his following actions. O'Connor suddenly assaulted the plane by several attempts to shoot out the planes rear tires and the right engine. O'Connor had also ordered an agent to block the forward path of the plane by moving a vehicle in front of the plane. Once the gun fire halted, the agents could hear moaning coming from inside the plane. The agents discovered that the hostage taker had killed the hostages and fatally wounded himself (*Downs v. United States*, 1975).

The Sixth Circuit Court found that Assistant Special Agent O'Connor was negligent in handling this situation because he had been trained to handle these types of incidents and failed to follow FBI protocol to act reasonably. The court decision states that O'Connor acted unreasonably in turning what had been a successful "waiting game," during which two persons safely left the plane, into a "shooting match" that left three persons dead. Basically, he was aware of hostage negotiation techniques and did not utilize the process. This next case clearly illustrates the need to follow industry standards (*Downs v. Unites States*, 1975).

The use of a TPI has been debated by industry leaders for years. The latest CIU models allow their use but have calculated restrictions concerning who, when, what, and how they are used. One of the more notable case studies in the use of TPI's is the 81 day standoff known as the Freeman Siege that took place on a remote ranch in Montana in 1996. During this siege, FBI negotiators allowed as many as 40 TPI's to communicate with the Freeman. This entire incident allows law enforcement to examine the effectiveness of TPI's. When this outcome is compared to the outcome of the 1993 siege of the Branch Davidian compound in Waco, Texas, it validates the statement made by FBI Director Louis Freeh "A strategy from Day 1 of patient, honest and persistent attempts at negotiation ultimately prevailed," ("Patience pays off for FBI in Freeman siege," 1996) .

Lessons learned from this encounter lead to the examination of when to use a TPI, how the TPI will be used and monitored, who will be used, what the TPI will say and how the message will be delivered. Using a TPI illustrates one crisis negotiation technique that proves effective if employed prudently and within an appropriately controlled atmosphere (Romano, 1998). These issues should not be left up to an individual but rather the CIU. There are also tactical considerations that will have to be dealt with.

When to use a TPI is to be determined by the success of normal negotiations. If law enforcement is successful in the attempt to resolve a crisis peacefully, there is no need to introduce a TPI. When law enforcement is unable to negotiate past a "sticking point" and there is no immediate threat, the use of a TPI may need to be evaluated.

How the TPI is utilized is very complex. The complexity is bordered by safety and litigation. There are numerous considerations in how the TPI will communicate with the hostage taker of the person in crisis. Different communication possibilities are face to face, telephone, a camera conference, mega phone and pre-recorded messages. Once the delivery of the communication is decided, the agency will need to determine what is said, the tone that is used and when active listening skills are to be utilized. The tactical considerations will migrate around safety of the TPI.

An agency must consider how the hostage taker or the person in crisis will respond. Just like the law enforcement negotiator becoming a second victim in suicide intervention and hostage recovery attempts, the TPI can likely become a second victim if a peaceful resolution is not the outcome. The TPI will have to be monitored and accept the fact that communications with a subject may be terminated without notice.

The oath to preserve life and liberty, value of life, value of intelligence, public perception and trust are just a few considerations of a contemporary law enforcement agency. Without the attempt to gather intelligence and bring about a peaceful resolution before an assault, can lead to years of litigation wrapped around the loss of life. This will lead to negative public perception, loss of public trust and will be a huge debt on the tax payers. It has been said that, “the crisis intervention process is more successful if we wait and talk rather than delay and assault” (Strentz, 2005, p. 27). Law enforcement, like any authority, is judged by its actions and not its intent. In these crisis situations, success is defined as saving the greatest number of human lives as possible (Schlossberg, 1980).

## COUNTER POSITION

There are a couple of reasons a person may say that law enforcement agencies should not and will not have a CIU and additionally, TPI's will not be utilized. This paper will address the two major reasons a law enforcement agency may not get political support to engage in Crisis Intervention or utilize third party intermediaries. The most obvious reason is the impact to the budget. The law enforcement agency will have to consider training cost, equipment cost and overtime expenses when the unit is activated. Most teams are comprised of four officers, a primary, a secondary, an information officer and a tactical and command liaison. Each officer will need to attend a 40 hour basic hostage negotiation school. These schools are affordable if the officer becomes a member of a discipline related professional association that is sponsoring the school. However, the membership is an additional expense. Most agencies will pay for the officer's travel, per diem, and hotel expenses. While the officers are at training, the vacancies that were created will have to be backfilled which can create an overtime expense. The training that is suggested for each officer is 40 hours per year so that each negotiator can legally manipulate phone lines during critical incidents. This amount of training can easily add up to thousands of dollars per year.

Once the training is completed there are a number of different throw phone systems that can be purchased. The throw phones are the devices that are the most desired mode of communication with a person in crisis or the hostage taker. The phone systems can be very expensive depending on the options that the agency desires. Many available options are designed to make the incident safer by the intelligence that is gathered through them. There are obviously less expensive throw phone systems

that are available but the agency should estimate a cost of \$5,000 to \$25,000. The equipment can be quite bulky and may require a specially designed trailer or a sport utility vehicle for transportation to the incident site. The cost involved is up to the agency and can range from \$5,000 to \$750,000. In addition, while new negotiators are in training, the agency may be understaffed in key positions. The vacancies must be backfilled to meet minimum staffing levels and this creates additional costs (Greenville Police Department, 2001).

The cost involved in the implementation of a CIU could easily influence a law enforcement agency or city administration from considering its creation. The following suggestions are included to help mitigate the overall cost. First, the training could actually be sponsored at the local law enforcement agency. Many times this allows for the sponsoring agency to attend for free. Agencies could also rotate the training so that manpower issues would be much easier to coordinate with lower overtime cost. The agency can start out with the more basic model throw phone and add options when the jurisdiction can afford to do so. Even the most basic throw phone meets industry standards. Most agencies can utilize its existing fleet to initiate a new program. More technological advanced phone options and more specialized vehicles can be added as budget allows. There are numerous grants available that can assist in acquiring specialty vehicles and equipment that can make the funding process easier for an agency.

Another major issue for law enforcement is the self imposed time table. Many law enforcement officials place a time limit for peaceful resolution to critical incidents. Once this time limit has expired a forceful tactical resolution is ordered. While there are

segments of society that introduce arguments for expediency, law enforcement cannot afford to succumb to such issues. Critical incidents or hostage situations can create major delays in the lives of the detached. These individuals can create political influence to expedite the incident to a conclusion. Some of the delays can include extended road closures, business closures, service delays and air traffic restrictions. These issues can cost businesses and the public time and money. Mass transit can be delayed and services such as phone and food delivery can be impacted.

Delegating sensitive duties to subordinates, much less a TPI is not always practiced in law enforcement. During a critical incident when the lives of one or more hang in the balance of time, proper articulation, training, experience, willingness to accept the responsibility and pressure of political inconvenience, volunteering civilians have historically not been utilized. There are two major influences in this decision, potential loss of life and the liability of an untrained civilian saying or doing the wrong thing(s). No Chief or administrator wants to be responsible for utilizing an untrained TPI and, as a result, have to explain why the incident had a negative outcome.

These issues can be mitigated with proper protocol(s), training and Memorandums of Understanding (MOU) with local agencies for mutual aid. Protocols should include multiple disciplines in your jurisdictions such as public works, street department, phone company, electric company, and the media. Training should be provided for the agency command staff and certain city officials as well as citizens through a Citizen Police Academy. The MOU's for mutual aid will include law enforcement, fire protection and emergency medical services. Part of the consideration

for mutual aid is the redundancy of services and the continued support of basic core public safety and city services.

## **CONCLUSION**

In conclusion, there seems to be a growing number of people who are finding themselves consuming law enforcement services while in a state of crisis. Law enforcement has realized this trend as well as the potential for a growing number of deadly force encounters. In Texas and all across the United States, first responders are being trained in crisis intervention techniques. These techniques are designed to give officers alternative resolution guidelines thus reducing injuries to officers and consumers. Crisis Intervention Units are becoming an industry standard in contemporary law enforcement agencies. The ability to forego an attempt for peaceful resolution in critical incidents is no longer acceptable and leads to litigation and in some instances the loss of life. The practice of using a TPI is no longer taboo to the modern CIU. The two major factors that are in direct opposition to negotiations are dwindling local government budgets and pressures of a more modern and efficient lifestyle. The budget concerns can easily become non-issues when law enforcement personnel start thinking outside of the box. Most officers are more than willing to adjust their schedules and accept lateral duties when it comes to protecting their constituents and their citizens. When considering the political pressures placed on city administrators and leaders due to potential delays, one has to consider the value of life. The delays someone might encounter are easy to disqualify when considering the potential loss of life during critical incidents if agencies decide to forego the negotiation or intervention process. Lessons learned and best practices are a huge part of the success of law

enforcement. Law enforcement agencies need to closely examine how they handle incidents with consumers who have no expectation or understanding of the services available to them. It is easy for agencies to perform a minimum level of service and push the consumer over to their own destiny. The next possible step in Crisis Intervention is the development of programmatic follow up to ensure consumer assistance after crisis. Obviously, this brings up the need for additional research as well as launching a level of service that is far reaching into multiple levels of social services. The recommendation based on this research is that the use of a CIU and/or TPI during critical incidents should be an industry standard by all law enforcement agencies regardless of budget or political pressures.

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