

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

=====

**Patrol Negotiations for Law Enforcement**

=====

**An Administrative Research Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

=====

**By  
Javier Perez**

**Pharr Police Department  
Pharr, Texas  
June 2007**

## **ABSTRACT**

Patrol negotiations in contemporary law enforcement provide an effective resource that when used appropriately, reduces potential violent confrontations and resolves crisis type of situations.

The purpose of this research is to provide knowledge on the subject of crisis negotiators and create the mindset of it's effectiveness to police administrators so that they may consider more implementation of crisis negotiation training in the early stages of police academy training cycles.

The method of inquiry used by the researcher included: review of hostage and crisis situation articles, Internet sites, periodicals, journals, a survey distributed to 160 survey participants, personal interviews, several hundred hours of crisis negotiation training, instructing crisis negotiations to local, state, and federal law enforcement officers, and the continued study of crisis events that involve crisis negotiators.

The researcher discovered that surveyed participants welcome crisis negotiation training. The researcher also found that the law enforcement profession seeks out methods of meeting police force needs to meet modern community policing needs. In doing so, training, equipment and strategic approaches to support law enforcement methods are identified. Crisis negotiation training teams were originally formed to meet the needs of situations that have exceeded the normal patrol abilities. This training consists mostly of verbal skills used to resolve situations peacefully. These verbal skills have no dollar value and the market is confined to phone or electronic equipment and training. The law enforcement profession has grown into modern policing and the

needs can best be met with training directly to meet more than just regular patrol needs and law enforcement officers want this training.

This research will provide the reader with a better understanding of the process followed to train police officers. The reader will gain knowledge in current training trends, as an understanding of what training is needed to better prepare officers in the law enforcement field. The research will provide information on how there is a transition from public to law enforcement and that early opportunities exist, in which the effective communication skills training can be phased into the development of trained patrol (crisis) negotiators. The reader will have a better understanding of law enforcement concerns and efforts to identify ways to improve overall service. The reader will also learn that there are many facets to law enforcement and it takes more than common sense to be a police officer in today's world of modern police technology in order to meet the demands of the job and community expectations.

# TABLE OF CONTENTS

	Page
Abstract	
Introduction. ....	1
Review of Literature . . . . .	6
Methodology . . . . .	11
Findings . . . . .	13
Discussions/Conclusions . . . . .	15
References . . . . .	17
Appendix	

## INTRODUCTION

Police officers are developed from a selected group of applicants that have met requirements set forth by the State Peace Officer's Licensing Commission. The Police officer applicant will have met physical, mental, medical, and weapons proficiency abilities before undergoing rigorous academic challenges in an accredited academy. Studies will prepare the officer in areas of law enforcement such as procedural enforcement of criminal and traffic laws, including report writing, testifying in a court of law, accident investigation, and very importantly the use of firearms. The problem to be examined is the lack of effective communication training in the police academy. The problem will encompass law enforcement agencies ability to build communication skills and relying on other entities to form the training structures. In police department, organizational norms constitute a powerful force in shaping police behavior. Organizational norms set standards of behavior for patrol officers, detectives, and members of the command staff. In a job that is generally unstructured, norms provide guidance as to what charges should be sought. When courts, policy makers, or higher-ups in the police department change legal rules or procedures, they must take into account organizational norms that predate the changes. As Skolnick writes, "norms located within police organization are more powerful than court decisions in shaping behavior" (Bell, 2002, p. 113). Research will examine reasons why effective communications can significantly provide positive benefits for police agencies and why they should enhance training in this area to protect officers and reduce liability.

Contrary to popular belief, police officers do not undergo procedural training on how to handle domestic disturbances, suicide prevention, or brutal murder events. Police officers are not trained specifically to peacefully resolve critical situations before they result

in death, such as a person wants to kill himself or someone else being held hostage, including a spouse. Police officers are trained and required to pass firearms proficiency.

Police officers are not subject to effective communication training in the police academy. However, selected police officers are trained as crisis negotiators and called upon to resolve critical incidents. Research will be instrumental in supporting the much-needed training in the skill of effective communication. Research will illustrate officer's greater potential to face a critical incident such as a suicidal person than the less likelihood of having to shoot someone.

Police officers are called upon for immediate response to such a variety of calls. Police academy's have no current method to prepare or train the officer on how to handle every given situation. Research will examine the public's expectation of a police officer. Public expectation research will show callers do not ask whether the police officer responding to his or her need, has just completed the police academy or is a fifteen-year veteran with a master certification. Citizen's calls for service differ, as do risk or danger levels, from one call to another. The call is made for a police officer and that is the bottom line.

A domestic disturbance is a mentionable example of the variances involved. A police officer can come upon a disagreement over the husband coming in two hours late from work. The situation can begin with calming efforts toward the wife that tells her story and describes her frustration. However, she includes that her husband pushed her, held her down, and hit her on the back of her head. The next phase grows serious as the husband's cooperative and subtle indifferences turn toward rising friction. The situation more often than not, will lead toward an arrest of the husband. He will realize the direction

of his freedom is quickly coming to an end. The panicked husband bolts into his bedroom and locks the door. The trained police officer asks the wife if there are any weapons. She recalls the husband's hunting rifle and before you know it, the house is evacuated. The special weapons and tactics team (S.W.A.T.) and crisis negotiators (C.N.T.) are on the way for what will be a seven-hour standoff. Could this event have been avoided?

A trained crisis negotiator or a patrol officer trained in negotiations could have seen certain indicators and may have handled the service call differently. Research will encompass past events that ended in serious injury or death. This study will make a comparison between trained crisis negotiators and those officers having basic law enforcement skills. There is an obvious need to train police officers to be negotiators for those times when patrol abilities are exceeded. Police officers are trained how shoot someone, but there is minimal efforts to train in techniques that are less than deadly force. Is the training system working backwards? The question being raised is why not train more patrol officers to prevent or reduce crisis situations. Patrol officers trained as negotiators at the very least eliminate timely delays to assess and prepare handling a major crisis. Research will elaborate on issues such as civil liability and the direct impact upon these lawsuits alleging impractical police responses. This study will include in-depth interviews with recently trained crisis negotiators and how they feel about their newly acquired use of communication techniques in every day contacts, such as those at traffic stops, disturbances, and serious events. This inquiry will interview those police officers working in the patrol services that have not had crisis negotiations training and their feelings towards the need of trained negotiators during crisis situations. Data will include

canvassed information gathered from published books relating to police trauma, studies of police officer's attitudes, and critical incidents resolved with the help of crisis negotiators.

The research shall produce convincing evidence that specialized training can be evolved into a basic training trend already in place and increase law enforcement's efficiency and effectiveness. The research shall project the simple low costs efforts to enhance services to the communities. The research purpose is to determine current communication skills and whether or not training needs in communications skills are essential to officer safety.

The intended method of inquiry is to survey academy cadets and police officers in the various fields of police work. There will also be a review of current training in crisis negotiations, crisis intervention, management, communications, and psychology materials. Personal interviews will also be conducted to determine opinions of police officers assigned to regular patrol duties.

The outcome as anticipated is training in the area of communications skills serves a very important purpose that can reduce an officer's need to use force, improve confidence levels, and effectively reduce the escalation of situations. The outcome will also reflect communication skills are not as prioritized as it should in a field where it is extremely important. Anticipated findings also will reflect civil trials in the past have demonstrated favorable findings toward defendants, which commonly can be a law enforcement agency.

Law enforcement can benefit from this research that there are training methods available that are so simple and cost effective, yet bypassed for other methods that require some degree of force to gain compliance and\ or resolve situations. This inquiry will



provide much emphasis on how crucial communication skills should be evaluated and more often used even if other weapons training is going to be provided to represent sincere efforts to resolve situations without the use of less than lethal or deadly force.

The use of any force can be the cause of stress upon the officer using the force and passed onto the department that can be named in a civil liability lawsuit alleging the use of force could have been avoided or reduced with other options not used in the situation. These claims can quickly grow to costly expenses even if the matter is resolved out of court. The affects of defending oneself after use of force is used usually develops from the time any degree of force is used. Certainly, the officer is trained, however; the efforts to resolve a situation can play a very important role. An officer that documents verbal efforts to calm an individual, attempt to talk a subject down from anger or violence, or to peacefully surrender is the most important level if initiating controlled procedures to deescalate a heightened situation that results in any use of force. Although the efforts may not bring the results desired the attempt to communicate effectively and the demonstration of control clearly reflects a lot better in any person or jurors eye that the officer(s) acted with regard to everyone's safety and without intent to immediately use any degree of force. The shift of taking the first strike to doing anything possible to talk a subject to peacefully resolve a situation is certainly though of and looked upon in two completely different perspectives. Law enforcement administrators preparing to defend a claim of excessive force is immediately given a tool to identify the department's first defense. Immediately

## **REVIEW OF LITERATURE**

A police officer's attitude is developed early on in the academy during a process that includes the tremendous pressures to conform his attitudes and behaviors to

standards set officially by the department or unofficially by the occupational culture. John Van Maanen points out that members of all occupations develop ways to negotiate and manage the structural strains, contradictions, and anomalies inherent in their roles and tasks and to cope with the emotional realities of their work, but in police work, with danger, drudgery and dogmas prime occupational characteristics, these tensions are high (Vincent, 2004). Research relates to the process, which reflects a person's attitude changes with different occupations. A person choosing law enforcement attends an academy and begins his transitional phase of attitude. The cadet's stress level will be challenged and he will be charged with learning legalities, but there will be an absence of learning how to talk or listen to people. Recruits wear a distinctive uniform that resembles but is not identical to the "real" police uniform, and they are not issued a gun or shield until the last few days of training. Male recruits must crop their hair short, and female recruits are defeminized by rules requiring that hair be worn pinned up to fit under the uniform cap (Vincent, 2004). There are so many requirements that are traditional to transition cadets to become police officers, but of the simplest skills such as verbal communications, there are minimal efforts to provide this extremely important skill. In interviews and discussions, it causes to realize that the thought of asking a suicidal person if he intended on killing himself is considered wrong. Often the police officer faced with a crisis is relied upon to peacefully resolve the situation the best he can with minimal resources. If everything fairs well the officer can be viewed as having successfully done his job. The question is did the officer act and rely on his training or are the results just effort. The Texas Department of Public Safety statistics in 2003 show there were 5,036 law enforcement officers assaulted. The question here is could this number have been reduced with more emphasized training in effective

communications or patrol negotiations. Intervention in a social system might be understood as deliberate action whose objective is to bring about a particular change in some set of circumstances and thereby achieve a preferred state of affairs (Preston, 1996). Research identifies police officers have to act in an unprompted fashion to confront situations called to their attention. There are many established methods of approach, which many may suggest are geared for managers. However, the management approaches that provide instruction in coaching is similar to lessons learned in effective verbal communications or crisis negotiations. For example, when one is paying close attention to the communication of another, one is admitting that what the person is saying is of some importance. This is true even if we subsequently reject its validity, for we at least admit that the person has a view worth refuting. If we ignore the person, we deny the person's existence (Roloff, 1981). The example reflect how just the simple direct attention gives a person the sense of validity rather. This can grow into a conversation that will result in the peaceful resolution of a potential problem if properly handled. It all began with simple skills of listening \ paying attention. The police officers and cadets surveyed were asked a series of seven questions. The results reflect cadets in a transitioning phase of their career and experienced police officers a like rate patrol communication skills as extremely important. The surveys also support that currently most or the highest percentage of police officers has not been trained in communication skills. Research by a fellow colleague on non-lethal weapons provides options, such as creating distance between the officer and combative or hostile individual before resorting to a less than lethal force type of weapon (J. Robles, personal communication, April 24, 2007). There is an array of less than lethal weapons available for police officers to use as "options" to

deliberately neutralizing someone with a degree of force. Regardless the type of less than lethal force weapon there is an obvious absence of using communication skills to defuse or de-escalate the situation. The question here is how many less than lethal force weapons have an introductory of using communication skills before resorting to the weapon they have to offer. Understandably, the vendor is not going to sell his product with “options” that may dismay a department from purchasing his product. The law enforcement field is the single most responsible resource to identify the training needs to meet policing needs and this area, until recent with the adoption of crisis intervention, has gone without address with basic solutions, such as enhancing verbal skills – crisis negotiations. Mentioning the newly state, required Crisis Intervention Course is a strong indication that communication has been found to be needed by all law enforcement officers. The state having recognized this need has created a course that places direct emphasis on handling different type of situations with the use of enhanced verbal skills. This course required of law enforcement is a step in the right direction that will pave the way to intermediate and advanced verbal skill opportunities. The state requirement however is not the sole antidote for the current problem. Department’s around the nation regularly evaluate personnel. The question is how often are department’s rating their personnel’s abilities to effectively communicate is the different types of situations they confront. The state has required departmental personnel to undergo crisis intervention training, but how will results that are more accurate be measured. Certainly, use of force cases will be relied upon as a source to measure the intervention efforts, but what about the individual department and the individual officers. If an officer patterns complaints of rudeness, misconduct, or excessive use of force will this be measured into the crisis intervention equation? Training the

officers to serve and survive is critical in planning a department success. The public expects police officers to have safeguards to protect. First, in every life-threatening crisis, the law recognizes that a safe and peaceful resolution is the paramount objective (Higginbotham, 1994). The question of whether or not there is a difference between negotiations skills and verbal skills is genuine. Not all police officers trained in the field can be expected to have the same results. Trained crisis negotiators undergo some very intense training to build their abilities to resolve crises that exceed a patrol division's ability to cope with its limited resources. However, given the patrol officer's ability to serve in a more predicted manner of initializing a de-escalation effort will clearly be advantageous. Past and current SOPs (standard operating procedures) to kick the door down and go in guns firing is no longer acceptable. Liability cautions officers and administrators to find ways to bypass immediate force and make efforts to peacefully achieve the surrender or the subject. Preplanning for the legal issues inherent in crises facilitates their solution later (Higginbotham, 1994). Policy development, training programs, and operational decision-making are considerable methods to adopt a safeguard that can self-serve a department when any use of force is merited. This serving safeguard of knowing how to verbally resolve a situation is an officer's primary and first response when confronted with a situation that has a potential of being peacefully resolved, which without use could more likely result as a use of force case. There is no room for bypassing the immediate need to use deadly force given the circumstances. Use of verbal skills, negotiation skills, or effective communication skills should not in any way displace the need for use of deadly force when it is needed. A presentation by Dr. Booby Smith and his experience demonstrate that although he was trained to perform in a certain manner his actions

carried him differently and he was ultimately blinded by gunfire to his face. Smith stated, "In an effort to try to correct the mistake that I had made, I left myself wide open in the middle of the street with no cover" (Smith, p. 2). There are and will continue to be those instinctive needs to protect oneself or others with the immediate use of deadly force.

These are not the cases being researched. The cases where less than lethal weapons are used to assault officers however can be used to interject the question of time allowing would a trained police officer have been able to reduce intended violence and peacefully resolve with the situation with the use of any verbal intervention skills. There is a clear understanding that not all cases will allow verbal skills to play a role in the outcome. However, resources are limited to the officers training. The training upgrade of adopting verbal skills into the decision tree can better serve all those involved, including the department's liability concerns. A cross-cultural study involving respondents from the United States, Japan, and the Great Britain revealed that approximately 74 percent of the managers cited communication break down as the single greatest barrier to organizational excellence (Swanson, Territo, & Taylor, 1995). This expression of identifying communication as a main problem reflects the smaller picture of law enforcement. Police officer's communication is not limited to its organization. Police officers communicate with the population. The perception of effective communication skills being nothing more than common sense is really a poor evaluation of its true meaning. People think police work only takes "common sense". Officers do not see a need to study "common sense". Much communication is spontaneous. Despite this caveat, we should find that when interpersonal communication is preplanned, it is designed to serve some purpose. This is not reflecting common sense (Roloff, 1981, pp. 27-29).

## **METHODOLOGY**

The intended research is to find out if training needs for new and experienced police officers is adequate when addressing the training of effective verbal communication skills, and whether patrol negotiators can better meet current law enforcement needs. Research has involved those members of the public, better known as cadets, joining law enforcement in their initial training phases. Research has identified that changes will occur upon the individual's inception to law enforcement. Research has demonstrated that a pattern has been identified, in which the onset momentum is for the individual to fit in and thus creates a great ability to phase in communication skills. Experienced police officers that have not attended crisis intervention and officers who have attended some type of negotiations courses were also interviewed and polled. Research from interviews and surveys supports law enforcement officers believe there is a lack of training in the area of communication skills and this should be enhanced to better perform patrol duties. Materials relevant to the change of lifestyles of cadets and their transition were also reviewed to portray a more accurate account of changes and areas where verbal skills can play a significant role. Any resource used by law enforcement to resolve a violent and dangerous situation is measured from the beginning. Research provides a working idea for others to consider, such as implementing or developing departmental policy that places verbal effective communication or patrol negotiators in the decision tree process. This branch certainly carries a favorable approach to police procedures and public expectations. There is no value assessed in this research. The reasons for this are liability is not the main objective to consider in planning the training blocks for use of effective verbal communications. If an officer can verbally dissuade an individual from

challenge, it has achieved its intended goal. Although it is understood there are many instances that do not allow for verbal resolutions, it is also understood there are 5,036 police officer who were assaulted in 2003 alone. Research identifies the enhancing of effective verbal communication can reduce the number of physical confrontations.

Behavior is guided by motivated states, and people are motivated to engage in certain behaviors whenever quantities of resources fall outside the optimal range (Roloff, 1981).

The trick to fixing communication problems are many, however there is a medium that requires police officers to confront potential hostile or violent individuals. If the officer is going to have to confront the individual than there should be, options provided and serve as training resources. Instead of avoiding exchange relationships and their potential difficulties, we might be better advised to learn how to appropriately resolve conflicts.

Communication researchers have become increasingly interested in interpersonal conflict and its resolution (Roloff, 1981, p. 87).

## **FINDINGS**

Texas police officers are trained in their profession to protect themselves. The resources usually portray the use of less than lethal weapons. There is an absence of training in the use effective verbal communications. Until recent, the state has mandated crisis intervention courses. Otherwise, there have been no established requirements to enhance an officer's abilities to talk a person to peacefully surrender. Law enforcement is a unique field of professionals. Many different personalities make up law enforcement. Several topics are taught during the initial training academy. Training in the use of less than lethal force types of weapons, such as tasers, pepper guns, beanbag rounds, o.c. spray, etc are commonly introduced. There are no significant methods trained when



familiarizing a trainee of any level, cadet or experienced police officer, that teach the use effective verbal skills before the use of any less than lethal force type of weapon. There is a great absence of using basic skills before resorting to less than lethal force types of weapons. There is emphasis on the training for departments placed upon by less than lethal weapon manufacturers, vendors, and alike. The introduction of any less than lethal weapon does not include for the user to first use or attempt to use effective communication skills. The companies want a department to use their products so it can be a useful statistics and generate more business. The companies are not the presenting the number of lawsuits incurred by use of the products to other potential clients. Faced with a lawsuit that would more than likely include a manufacturer or distributing company its defense may place blame on a law enforcement agency's lack of training before resorting to its product. Use of a taser has come under fire for its excessive use and now the product even has an attached video cam to more accurately protect itself from liability. The company cannot tell the officer when or when not to use it for every situation. Taking these areas into consideration lets consider the seemingly inexpensive tool or less than lethal force weapon to be words that can help to lessen the impact from a lawsuit based on use of force. Research demonstrates a chain of events that occur in training law enforcement officers. Identified in their daily operations is the use of effective communication skills. Research support the investment of implementing training the better prepares police officers to perform in situations that can be potentially resolved from the onset with developed or enhanced skills in effective communications. This being the initial step as seen in mandated crisis intervention courses, the placement of intermediate and advanced scale effective verbal communications can follow to provide an invaluable law enforcement

resource already available to most of its profession. Law enforcement officers are developed through a cycle of training. Most often situations arise from the inability to defuse an already initiated matter. While preparing the officer to handle those situations there should be, more emphasis placed in training the officer on how to perform from the lowest level of communication needs. Patrol officers meet and conversate with the public every day. Their presentation represents the perception that citizens or community have toward his professionalism. The officer reflecting effective communication skills, such and simple as listening, can be relied upon to later build trust. Someone who listens to another is appreciated and sought in times of need. Agency organization administrators have a responsibility to develop officers assigned to their command. Training in effective verbal communications can prove so beneficial. Problems or barriers may arise in any or all (Deegan II, 1979, p. 18). As a manager, you have a responsibility to the firm to constantly work towards the best organizing of resources possible (Deegan II, 1979, p. 100).

## **DISCUSSION / CONCLUSION**

In conclusion, the research conducted will portray the training cycles in police work bypass available resource training and project actions to a potential higher degree of use of force. Law enforcement has a list of demands to qualify any person upon inception and from there on training is required to maintain a working status. Budgets are seemingly growing as the demand for less than lethal weapons increases. Law enforcement administrators want to protect the police image and reduce the use of force. Yet even police officers confirm there are a desire and a need to implement or enhance effective communication skills. These skills are not only for those highly dramatized situations. Effective communication skills are applied in the every day workings of a patrol officer. An

effective communicator can so easily maintain a controlled situation and prevent it from escalating into a use of force case. A case that can amount to high dollar figures if a lawsuit results unfavorably. In the case of lawsuits at the very least, a department has a tool of defense by injecting how its primary or initial efforts are to peacefully resolve reasonable situations. Personnel can grow into more intensified training as crisis negotiators. Discussion in this area depicts that communication skills as a whole have been taken for granted and not emphasized for its value. There is no price on buying time when it comes to police officer survival. An entire area to consider is officers taken hostage. Who would benefit the most from having acquired special training in defusing critical situations? There clearly needs to be a higher level of expectation from developing police officers. Less than lethal weapons are crucial, but how many times could a reduced level force or no force such as the successful use of effective communication skills have prevented a situation.

## REFERENCES

- Roloff, M. E. (1981). *Interpersonal communications: The social exchange approach*. Beverly Hills: Sage Publications.
- Preston, P.W. (1996). *Development theory*. Oxford: Blackwell Publishers Ltd.
- Deegan, A. (1979). *Coaching: A management skill for improving individual performance*. Amherst: Addison-Wesley Publishing Company, Inc.
- Vincent, H. (2004). *Death work: Police, trauma, and the psychology of survival*. Oxford: Oxford University Press.
- Kalven, H., & Zeigel, H. (1966). *The american jury*. Canada: Little, Brown, and Company.
- The Texas Department of Public Safety 2003 Crime Report:  
Retrieved June 2007, from <http://www.stateoftexas.com>