

A TEAM APPROACH TO CRISIS NEGOTIATION

by

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In his 911 call Jeff Rouse reported that his father was holding his mother hostage with a sawed off shotgun. James Rouse indeed wielded the crudely altered Remington 12 gage with his estranged wife, Donna, at his mercy. The Jonesboro Police Department's tactical response was as fast as it was massive. Armor clad, well armed cops descended upon the Scott St. apartment with the precision and coordination of a wolf pack on wounded prey. Once the perimeter was secured and every window and door of the dirty little apartment was under the surveillance of sniper scopes, I, as the negotiator, opened the lines of communication.

At this point I would like to report that I was as well equipped as my tactical counterparts, but then, this report would not be necessary. On that warm June night in 2007 I was called to the scene as a negotiator in name alone. Only a year earlier I had been designated with this afore mentioned moniker. My area of expertise, for the lack of a better term, was in investigations and interrogations, which I was blessed with nine years of both training and experience. As far as negotiations, I had only attended a three day seminar and responded one actual event, a suicidal subject. My duties in that previous encounter were little more than a gofer for the experienced Lt. Elliott. On this night, however, Lt. Elliott was in Little Rock, which might as well been Little Havana, New York. Jonesboro also had two other negotiators, but one was assigned to the tactical team and the other had been promoted to another area of the department.

I stumbled through twelve hours of awkward conversations and unfruitful attempts at trying to urge Mr. Rouse to release his captive. With the sun rising on the weary eyes of the all involved, and Jimmy, as he was known to his family, nervously pacing thought the apartment like a wild tiger in a circus cage, the utilities were turned off and tear gas introduced; and at 8:22 in the morning, James Rouse told his wife to look at him before viscosly shooting her in the chest and then taking his own life.

I received the consoling kind words of my colleagues and the adulations from my commanding officer, for what they all felt was a valiant effort to save both of their lives. What I felt, in contrast, was an empty pain that came from believing that I should have done something better; something different; something. I knew that there had to be a better way. I knew that negotiations had to be more than a solo act. Even Tiger Woods has a coach.

The departments goals were aligned with my own: to add more negotiators and send us to training; real training, not just a seminar where at the end of the day all the books are closed and the hospitality suite is opened. What I learned was that there is a better way. That was is a team approach to crisis negotiations.

In the following pages I will explore the history of crisis negotiations and how a team approach can have a synergistic effect on the whole process. Just as every sniper has a spotter, and there is no such thing as a one man tactical entry team, negotiations are a team sport.

The History of Crisis Negotiation

Before an accurate discussion of how law enforcement negotiators responds to a Crisis situation, I should identify the nature of the crises in which negotiators should respond. Officer Wind (1995) of the Seattle, WA Police Department Hostage Negotiation Team identifies three major categories of incidents for which negotiators are trained. These are hostage takings, barricade situations and suicide attempts.

The highest profile hostage takings and the negotiation of their release are not new phenomena. Commander Dave Johnston (2007) of the London Metropolitan Police Services in his keynote address at the London Branch of The Chartered Institute of Arbitrators cites an ancient Greek era negotiation when in 168 B.C. Polybius, the son of a prominent Greek governor, was one of 1000 nobles spirited as hostages to Rome and held for 17 years. Johnston tells us that Polybius negotiated his own release, later returning to assist the sacking of Carthage and exacting capital revenge on many of his Roman captors.

Johnson attributes the modern art of hostage negotiation as beginning in the early 70's where Scotland Yard and the FBI examined some criminal situations. One of them was a bank robbery that occurred in Stockholm Sweden in 1973 where the hostages fell for their captives; giving birth to the most famous term in negotiations, "Stockholm Syndrome."

Barricade situations occur when police are attempting to take a suspect into custody, and the suspect, in an attempt to delay or prevent their capture, locks themselves in a house, car apartment or other containment facility. The Los Angeles Police Department web site (n.d.) tells how they led the United States in the formation of Special Weapons and Tactics (S.W.A.T.) teams which was formed in part to respond to such situations. In one 1969 response 40 team members attempted to serve search warrants on the Black Panther headquarters and began a

four hour siege of the 41st building. In more recent and litigious times, discretion is proving to be the better part of valour as a negotiated surrender is more preferred and cost effective than a brute force response. Of course, when you have a bunch of ninja clad tough guys pointing high powered rifles at the bad guys, negotiations of this kind tend to go more smoothly.

Attempted or threatened suicide is the final category that negotiators train to respond. Where the value of human life is at the top of the moral pyramid, negotiators train to understand and communicate with emotional disturbed people. The American Foundation for Suicide Prevention (2005) says that over 32,000 people commit suicide in the United States each year. In more than 52 percent of those cases a firearm is used. Sometimes these victims call police for help and other times family or friends, in an attempt to intervene, call for law enforcement assistance. It is then that the negotiator must put on the hat of counsellor and try to save the victims life.

Why More Than One?

As a young officer on midnight shift I responded with several of my fellow warriors to a club where the owner had been sprayed with mace. While there one of his patrons, with a great deal of liquid courage in him, started pushing another officer. He was obviously without a place to stay for the night and in his own way was begging us to make reservations for him in the iron bar motel. We, of course, obliged. During the arrest, two hundred plus of his close friends tried to prevent his incarceration. We found ourselves in the middle of a riot situation and we encircled the police cars like Custard must have circled his wagons. After police were called from area agencies for back-up, we kept the crowd at bay. The sound of sirens and the smell of hot brakes gave us hope that the ordeal would soon be over. The chief, a gristle filled

old Sheriff, later commented, "I don't know why one or two officers couldn't have handled this." Could he have been right? Could one or two officers have handled that situation? And if it would only take two officers to handle that, why in the world would you ever need more than one negotiator to respond to a situation?

Retired New York City Negotiator and internationally recognized expert on negotiations, Dominick Misino (2004a, p. 15) identifies three major roles of any negotiation, to negotiate, to keep a track of what's going on and, to make decisions about the negotiation. These roles and who fills them will be further explored later. One person can juggle all three roles, but as someone who has done it, I can testify that your arms get pretty tired.

Commander Johnston (2007) recommends a three person approach, but identifies the roles as a primary negotiator, a backup negotiator, whose role is to assist the primary and keep track of facts, and the intelligence negotiator, whose job is to gather information through witness and first responder interviews.

Misino (2004a, p. 15) takes this further in suggesting that the ideal negotiation team consists of five people. They are the primary negotiator, the coach, the scribe, the float or intelligence officer, and the negotiator commander. "And so, without further gilding the lily and with no more ado," (*A Knights Tale*, 2001) let us explore these roles in detail.

The Primary Negotiator

In a training session I had the opportunity of attending with Dominick Misino, he stressed that the primary and initial goal of the negotiator is to build a rapport with the suspect. Most people are reluctant to talk about sensitive issues with people they don't like. And if a subject doesn't know you, they can't very well like you, until the two of you make some sort of

a connection. This fact became evident and proved to be somewhat of a challenge this year when I along with several other negotiators responded to a Jonesboro residence where a thirty eight year old man was threatening suicide by cop. His name was Michael and he was distraught over the separation with his wife. When alcohol did not provide the solace he desired, he became beset on the idea that his life was no longer worth living. Our sole female negotiator got the nod to take the primary chair and started the process of contacting Michael. He was quite insolent with her and after a tremendous effort on her part; it became apparent that he just wouldn't talk to her. We would later learn that Michael had some deep seeded resentment toward his mother, mostly because he blamed her for the problems he was having with his wife, and he was less than compassionate toward her as well. Our negotiator's only flaw was that she was female, and Michael just didn't want to talk to another woman; a hang-up on his part, but one we had to overcome. Lt. Elliott then tried to negotiate with the subject, but because Michael was a former enlisted Marine, he automatically had a problem with a Lieutenant. A comparison would be trying to get a veteran cop to listen to a criminology graduate student about patrolling the mean streets. Also, Lt. Elliott personally knew Michael's father, which he thought would help break the ice, but Michael blamed his father for not controlling his mother; strike two. I picked up the phone next and since I am a Sergeant, a male and didn't know any of his family, we started to get along fairly well. After nine hours, long enough for him to sober up a bit, Michael came out peacefully. This, I know, would have never been possible if we weren't able to overcome his personal bias and build a good rapport.

Some of the other objectives of the primary negotiator, I learned in Misino's class, are to put the subject(s) at ease, elicit useful information, negotiate the safe release of the hostages,

which is always our end goal, and to negotiate the safe surrender of the subject(s) while trying to keep their dignity intact.

As important as to what the negotiator is supposed to do, is what he is not to do. The primary should never take action without consulting with the on-scene commander. This included any trades, negotiated items, promises or surrenders. In this instance, bureaucracy is our friend, because it acts to buy time.

Coach / Secondary Negotiator

The coach is the negotiator's best friend and wing man. He is the Goose to the negotiator's Maverick. There, I made my obligatory *Top Gun* (1986) movie reference.

The jobs of the coach are many and important. They start with controlling access to the primary. If you have ever been on the phone when your kids needed something, you know that you are not going to finish that conversation without attending to their needs. Count yourself lucky if you have a wife like mine, who would, when my kids were younger, distract and pacify the kids until I got off the phone. That is what coaches do, and often times the impetuous toddlers are called Chief.

The coach, who monitors the negotiation, gives feedback to the primary and helps to interpret the situation. He also gives the primary ideas and themes to try during the negotiation; not in a distracting way, like my wife "helps" me drive, but it is usually done by passing notes with trigger words, short sentences and statements written on them.

I was fascinated when I learned the importance of a coach when, as a new negotiator, I assisted Lt. Elliott on the suicidal subject I eluded to earlier. Bored and feeling rather useless, I started writing ideas on a large flip chart as Lt. Elliott was weaving a vocal tapestry. I was

astonished to find that he was using the ideas that I had written down. I remember thinking why would this experienced negotiator with over eighteen years of law enforcement experience use my ideas? He was the Lone Ranger and I was just Ton-to. What could I possibly offer that he had not have already considered? I would later come to appreciate that where awkward silences can be deadly; the primary is desperate to fill empty air with something. Also, while listening to both the primary and the subject, you get a very different perspective that the primary has. While his mind is, and has to be, on the conversation, you as the coach can think ahead. You can also take notes and suggestions from the other members of the team and consider how they could impact the negotiation if used by the primary. As a side note, this is probably not the not the best time for practical jokes. You may think the subject is a jackass, but don't write it down and pass it to the primary, because he may tell the subject he is one.

The coach should also remain ready to take the role as the primary, but only, Masino warned me, after being introduced by the primary. This may be because the negotiation team commander orders the change; the primary needs a break; or the primary starts showing signs of stress. Monitoring for these signs of stress is also a role the primary shares other members of the team.

The Scribe

One of the first things I learned in law enforcement, after I figured out the function of a keeper, was that if you don't document it, it didn't happen. If you don't know, by the way, a keeper is a small piece of leather with snaps on it to secure a duty belt to a regular belt. In the three day seminar I mentioned earlier the concept of documenting everything that occurs during a negotiation was reiterated.

Masino (2004a, p. 19) reports that the scribe is one of the most overlooked, but important functions at a negotiation. What the scribe documents is simply everything. The scribe must document every call, any demands made by the suspects as well as deadlines imposed. He or she keeps track of any significant events, such as shots fired or hostages released, as well as actions taken by the tactical team. The purpose is not only for evidence purposes, but for the negotiation team to have a resource to which they can refer. The job of the scribe can and should be a full time position.

I learned this the hard way on the Scott St. case. Five hours into the call out, I was already exhausted and could feel the stress pulling my shoulders and ears toward each other. I believed that I had to choose between delegating one of my roles, or all areas of the negotiation would suffer. I chose to turn over the position of the scribe to our crime scene technician, a sworn officer and experience detective. What I failed to do was to explain the reason I need the events documented. Having a crime scene background, he only saw the need to document the events from an evidencary mindset. He didn't see the immediate need. Since we were taping all the calls, he stopped taking notes. I didn't notice this until two hours later when I asked to see the notes to find out the last time I was able to talk to the hostage. I felt like he kicked me in the gut. After that, he became very clear with what I needed and why he needed to document properly; very clear.

The Float / Intelligence Officer

Imagine being the primary negotiator on the phone for the first time with a hostage taker. In an attempt to build rapport and be more personal, you call the suspect by his first name, and he becomes outraged. He shuts down any lines of communication an you are left

with a dial tone and bewildered expression on your face. Wouldn't have been nice to know that the suspect goes by his middle name; that he is a Jr. and his father, who uses his given name recently died. This, thankfully is a hypothetical situation, but not completely farfetched. Having good information can be the key to a smooth negotiation or one riddled with uncertainty. Accountants have a phrase that fits here, "garbage in, garbage out." The float will interview any witnesses, family members, friends and anyone else that knows anything about the subject. The float will talk to the first responding officers to find out what they saw and heard when they arrived. Knowing the subject's pet's names or favourite football team may not help very much, but not knowing can't help at all.

On a training exercise with our tactical team, our float had to leave the scene and use the dispatcher's computers to look up Google maps and get a satellite picture of the area. He then took a picture of the screen with his cellular phone and sent it to me in a text message.

The float is also responsible for any other job function needed. The float may have to go to the department and pull old police reports or go to the grocery store and get some cigarettes for a suspect. He or she also may have to take over one of the other positions on the team, if needed. On a twelve hour job, somebody is going to need a bathroom, after all cops and coffee are like peas and carrots. Misino (2004a, p. 15) is reluctant to call the float a gofer, but sometimes that is exactly what is needed.

The Negotiation Team Commander

Before I describe what the commander does, attention should be paid closely for what he or she does not. The first commandment in the law of Dominick Misino (2004b) is printed on page forty-seven his class workbook. There you will find in giant font:

COMMANDERS DO NOT NEGOTIATE

AND

NEGOTIATORS DO NOT COMMAND

In Johnston's (2007) address He reiterated this sentiment with emphasis, **Commanders command and Negotiators Negotiate**. The purpose here is simply one of separation of powers. The primary is, "in the fight," and can lose perspective and not have a grasp on the big picture. Also, the primary doesn't have contact with on scene commander, needed to coordinate resources.

The job of the commander is to oversee the entire negotiation. He will assign the positions of the negotiators initially, and then supervise their performance. The negotiation team commander is the only person on the team that confers with the on scene commander and the tactical commander. He will be the person that sets the goals of the negotiation and uses the time between calls to brief each member. The commander may direct the primary to turn the heat up on the subject, or lighten up. In football terms, the commander calls the plays and the primary, with the assistance of the coach, executes it.

The Team

Police departments are going to negotiate. This fact is unavoidable. Whether or not they have a trained and equipped negotiation team or use whoever is available is up to the department administrators. If they chose the former, a five person team consisting of a negotiation team commander, primary, coach, scribe and float will provide the best chances for peaceful resolution to most any crisis situation.

As horrific as the Scott St. hostage situation was, it served as a catalyst for change in our department. Since that date, we have procured an out of service ambulance and converted into an autonomous negotiator vehicle. Lt. Elliott and I have remained on the negotiation team and added two more members. We've contacted the Sheriff's Department negotiator and started including him in our training; training we have every month. We also have been joined by a Psychotherapist, who has been to the same training we have attended. He has proven to be a valuable resource for assessing the mental status of the subjects we contact. Sure, when we succeed in a negotiation, we have to share in the glory. But it is a small price to pay for not having to solely carry the weight on your shoulders when things go bad.

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