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Workplace Violence Specialist

## Negotiation 101

### or, What to Do Until The Real Negotiators Arrive.

by Heather Gray

#### Introduction

It's the call every patrol officer dreads...the armed and barricaded suicidal gunman, the domestic disturbance that has taken a potentially deadly turn or an armed robbery that goes awry. No matter how experienced the officer there is always trepidation, and a detectable rise in blood pressure, while enroute to one of these calls. One's mind races into high gear. What's in store for me at this call? What do I need to do first? How do I talk to the subject?

#### Negotiations as a Police Tactic

The originators of the tactic of using negotiations, backed by a SWAT team or similar tactical presence, found its roots in New York City in the 1970s. Two officers, Frank Bolz and Harvey Schlossberg, were of the view that most of the situations that typically had a high incidence of fatal outcomes could probably be peacefully resolved. This progressive move became the model that grandfathered the method adopted and utilized by police agencies throughout North America. This was a marked departure from the previous standard operating procedure of using only a heavy police presence where tactical resolutions could, and often did, end badly.

There are a number of fundamental truths about crisis negotiations and front line officers are well-advised to learn and remember them. Nearly all of the tenets learned from this will be useful in many different types of crisis intervention and will serve officers well in all areas of policing. By remembering these things we are better equipped to handle any crisis thrown at us. It also gives us the opportunity to hone our skills on calls where there is less at stake than on the big critical incidents.

#### Fundamental Negotiation Truths

Time is on your side. It is imperative that the first responder slow down the chaos and drama of the incident so that others, especially the subject, may follow suit. As time passes the subject will become fatigued and will also be more

willing to explore options. Mistakes occur when decisions are hastily made. The key is to evaluate, at each decision point, the best option available. Don't forget to breathe!

Ask early for what you want. Many a negotiator has made the mistake of concentrating so much on establishing a good rapport with the subject that they forget to simply ask for the subject to come out. This may seem fundamental but it is often overlooked.

The subject does not want to kill anyone. Very likely the subject just wants to feel better about some crisis in their life which has exceeded their ability to cope. The role of first responder or negotiator is to tap into the psyche of the subject to determine how to move them away from seeing violence as an option.

Find the subject's humanity, show them yours. The challenge here is to make a human connection with the subject. It is often difficult to imagine how we may find commonality with someone whom we seem to have little in common. It is possible. Setting aside our own arrogance and ego affords us the opportunity to see how bewildered this person is and how distressed they are and feeling out of control. We don't have to like the subject, we just have to be gracious enough to allow them their perspective and to try to understand it.

The officer's beliefs, values and biases simply do not matter. It is imperative that we consciously set aside our own beliefs and values because those are not germane to the presenting situation. They do not have a place. This conscious move will then allow us to really absorb the subject's reality and see it from his/her perspective. The subject will likely pick up on this acceptance of his view and in turn this will build rapport.

The subject is operating from a position of weakness. This desperate measure is an attempt to regain some power or control over the situation.

The truth is the best option. Always stick to the truth but be careful how you use it. Re-frame the issue and put a positive spin on whatever the topic. Rather than focus on the negative parts of the incident, focus on the positive.

Promise and deliver. Promise only what you can realistically provide. Deliver on that promise; be impeccable with your word.



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You are not the decision-maker. Never forget that you are merely the conduit to a peaceful resolution. This role frees you up from having to engage in a battle of wills or of giving/withholding demands from the subject. Someone else (the faceless, nameless commander) is the one making those decisions. This also nurtures the relationship of “us” and “we”, which implies a collusion with the subject so s/he is not alone.

There is a significant difference between a true hostage-taking and what is known in the business as a ‘non-hostage incident’. When a robbery goes awry, and the cornered gunman takes hostages, it is with the notion (misplaced though it may be) that these hostages may prove valuable as a bargaining tool.

In what we in the business of hostage/crisis negotiation have come to appreciate, a ‘non-hostage incident’ are those where we are presented with a critical situation that sees an individual in severe crisis holding people who are not valuable as bargaining tools but rather represent some visceral and emotional connection to the subject. These ‘non-hostage incidents’ are the most common situations that front-line personnel will face. These include domestic situations that have reached a climactic point or a troubled employee who has become barricaded at work and is holding his boss and several co-workers. Make no mistake, these are the most dangerous and the most difficult to resolve.

In the emotional ones there are no substantive demands. Substantive demands refer to the items that a cornered person may want in exchange for a hostage, such as transportation out of the country, immunity or money.

**First Responder**

**Contain – Isolate – Negotiate?**

It may happen that a first responder finds themselves in the delicate and often stressful position of having to manage a crisis before much other support has arrived. Clearly, the top priority is one of ensuring, to the extent possible, the immediate safety of everyone involved.

The first officer to respond to a volatile situation will very likely set the tone for the remainder of the event. This is

because the first 30 to 60 minutes of an incident are the most critical. This is when emotions are running their highest. Once the police arrive on-scene an already dangerous situation has the potential to explode.

The first considerations should be:

1. Contain the area – ensure the subject does not leave.
2. Determine what weapons are involved.
3. Establish who is involved – are there hostages, family members, others with the subject?
4. Request all support required – tactical, emergency medical services, perimeter presence. Advise dispatch of the safest arrival route.
5. If there are witnesses, detain them for intelligence-gathering and statements.

Once the area has been properly contained, the process of communicating directly with the subject can proceed. While there has been much debate over the safest communication methods it may not always be possible for the first responder to have the luxury of specialized tools (such as a SecureLine™ Phone) to proceed in the same way a properly trained and equipped negotiator may. Whether in the unenviable position of having to cope with a face-to-face negotiation or at a safe distance using a telephone the goal is exactly the same...find a safe way to resolve it.

**The Human Condition – Creating a Bond**

Gavin de Becker, author of “The Gift of Fear”, is considered one of the world’s foremost authorities on predicting violent behavior and threat assessment. Based in Los Angeles he has advised the CIA, the Secret Service, the U.S. Supreme Court, other levels of the Judiciary, along with countless corporations and celebrities, as to how to assess and manage potentially violent people and situations.

Gavin de Becker’s perspective is that almost all people have a number of things in common as to how we relate to our environment and to others:

- We seek connection with others.
- We are saddened by loss.
- We dislike rejection.



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- We like recognition and attention.
- We will do more to avoid pain that we will do to seek pleasure.
- We dislike ridicule and embarrassment.
- We care what others think of us.
- We seek a degree of control over our lives.

With those in mind we can proceed to communicate with someone knowing that they will respond to the warm acceptance of another human being. The biggest challenge to a first responder or a negotiator in a crisis situation with a career criminal is that they have a healthy degree of skepticism about law enforcement.

The most effective way to short-circuit that negativity is to describe your role (if you can) and give them your own first name rather than just your rank and surname (too formal). This may seem a simple thing, and many officers may be reticent to do this, but it has a profound effect. It's that preliminary move to touch the subject's humanity, and show them our own, that can move the rapport-building phase along much faster than it would otherwise. All of the autocratic tactics and demands that police officers are accustomed to using that, under normal circumstances would get a subject to comply, will not work in this type of critical situation.

When we ask the subject to tell us their story we are wanting to encourage them to tell us their 'perspective'. This is a major change from asking to hear a person's 'side' of the situation. A 'side' implies that there are two opposite and opposing viewpoints. The word 'perspective' itself allows for many views and interpretations, no one being 'right' at the expense of the others. This is an important distinction.

### **Crisis Intervention – The Basics**

*Crisis – any situation in which the person's ability to cope is exceeded.*

#### **Crisis Intervention – Purpose:**

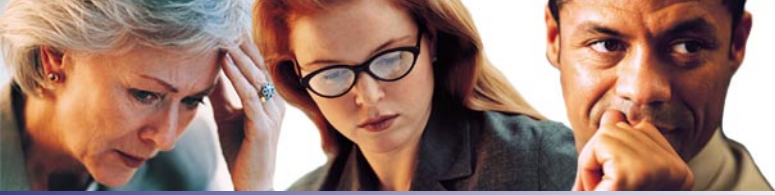
- Defuse intense emotions.
- Return the subject to a normal level of functioning.
- Buy time, both for the subject to get grounded and for the preparation of other tactics and support.
- Establish rapport and communicate empathy.
- Gain valuable intelligence for the next phase (if it's required).

#### **Crisis State:**

- Emotions, not reason, are controlling the subject's actions.
- If the subject feels s/he is in a crisis, they are.
- There has been a precipitating event in the last 24 hours.
- The situation is perceived to be a threat to the emotional, psychological and physical needs of the subject.
- In this state people typically turn inward, away from usual support systems, and feel isolated as a result.
- When normal coping mechanisms do not work the subject goes into crisis. The challenge to police is to try and return the subject to a normal level of functioning.

#### **Crisis Characteristics:**

- Exhibiting all types of behavior.
- Impulsive, may exhibit inappropriate, unproductive or counterproductive behavior.
- Tunnel vision.
- Lowered attention span.
- Intense emotional reaction.
- Lack of realistic perspective.
- Disorganized approach to problem-solving.
- Physical problems.
- Self-medication or substance use/abuse.



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A person cannot sustain a crisis state indefinitely. Eventually, the subject will become fatigued and may start to consider options that they had previously rejected or tried unsuccessfully.

### **The Handoff**

At the point in the process that the tactical team and trained negotiators come into the picture it is important to know what to expect. Typically, from the moment a Crisis Negotiator is notified of a situation the crucial process of intelligence gathering begins. As much information as possible is gleaned from all relevant sources, police databases, CPIC, witnesses, dispatch information, weapons, who involved, situational context (what's happened recently to bring this person to a crisis point?), who are in the subject's support system, etc. Clearly, any and all information that the first responder has is extremely important so wherever possible keep notes about these things. The best advice is to jot down things as the situation progresses, to the extent that's possible, everything from the lay-out of the premises to the subject's mood or stated issues.

Often, when a first responder has handled a critical situation for awhile, before the negotiators arrive, a rapport may already be firmly established. In that situation, the Primary Negotiator may choose to act as a coach to the first responder rather than risk a hand-off at that point. The negotiator will listen in on both sides of the conversation and offer suggestions of how to proceed and tactics that may prove useful for a safe resolution.

If the Primary Negotiator decides that a hand-off is possible this transition is gently introduced by the first responder who provides the subject with a bit of explanation about the role of the negotiator and the name of the Primary Negotiator. In almost all of these critical incidents the subject will expect to speak to a negotiator at some point so this eventuality does not usually pose a problem.

When trained negotiators come into the picture there will ideally be three of them. The one who would take the lead in communicating with the subject is the Primary Negotiator while the Secondary Negotiator serves as the support to the Primary, a sounding board for tactics and record-keeping (timeline, demands, deadlines, offers, etc.). The third acts as the intermediary, gathering intelligence and liaising with the

Command Post and Tactical Team Leader. When negotiators take over a situation the first responder can expect to play a key role in the process, providing support where it's needed the most and also attending and contributing to the Operational Debriefing meeting. The Operational Debriefing is the learning opportunity, after resolution of an incident, where all the relevant players, from Dispatch to Tactical to Front-line officers involved in the situation, dissect the incident and evaluate the effectiveness of the tactics utilized.

### **In Summary**

There is no magic or panacea that will guarantee success when we face people in crisis. Sometimes we bestow some great power onto people who are gifted at handling negotiations. What we need to remember is that almost all of us in front line policing are gifted at connecting with people. We do it all the time. The key for handling a situation with a barricaded gunman or suicidal individual is that we make a more deliberate connection so that we can wield our influence with a safe resolution as our goal.