

DETERMINING THE BEST PRACTICES IN HOSTAGE/CRISIS NEGOTIATIONS

by

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## **DEDICATION**

First, to all the hostage/crisis negotiators in the world who continue to believe every life is worth negotiating for. Lastly, to my brothers in blue, Ken Copeland and Justin Putnam, who paid the ultimate price while serving the citizens of San Marcos, Texas.

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## ABSTRACT

Since the creation of hostage/crisis negotiations (HCN) approximately fifty years ago, there has two best practices lists created to guide the field. Although portions of these lists have been evaluated by researchers, the lists were not subjected to any scientific testing. The purpose of the current study was to determine how important these practices were, how often they were used, and if there was a relationship between importance and frequency. I used a mixed-methods approach: emails to subject matter experts (SMEs), focus groups with SMEs, and a survey. The results indicated that most of the best practices were believed to be important and used often in the field by most of the respondents. A new best practices list was created based on practices one standard deviation (lower end) from the mean. The relationships between importance and frequency were significant in all but five of the practices: completing a qualified, basic course, training with SWAT and Incident Command (IC), team using active listening skills, building trust and rapport with the subject, and the negotiation and tactical teams developing and keeping a close understanding and working relationship. The findings, which were not significant, are problematic because the basic course is where the importance of active listening and building trust and rapport is taught. The two practices make up two steps of the most supported negotiation model. Lastly, the lack of relationship between the negotiation and SWAT teams can lead to deadly consequences, yet one way to bridge this relationship is through training.

## I. INTRODUCTION

Hostage taking and negotiations have been around since the beginning of time; however, it has evolved into the field of hostage (crisis) negotiation (HCN) over the last half century. Crisis negotiation has progressed through trial and tribulation from depending primarily on an individual officer's communication skills to the formation of part-time and full-time teams across the globe. During the time, some best practices lists have been developed by William Kidd and the National Council of Negotiator Associations (NCNA) (McMains & Mullins, 2014; National Council of Negotiation Association, 2020). The lists cover several practices of crisis negotiation, but they are based on Kidd's personal experiences and the collective negotiator knowledge of the NCNA's board members. Unfortunately, the existing narrative of best practices lack formal evaluation or testing and as such, limits peer-reviewed research.

Both the Kidd and NCNA best practices lists discuss crisis negotiator team organization, team member selection, and training. They both value communication. Kidd suggests having proper equipment while NCNA discusses specific equipment (e.g., throw phone). Kidd places added emphasis on intelligence collection and analysis. Next, both lists examine team concept, team roles, and the significance of communication between the negotiation team, the SWAT team, and command. Lastly, the lists discuss the utility of mental health professionals and the desirability of debriefing critical incidents and evaluating the potential emotional impact of the incidents.

The best practices lists are anecdotal and have not been scientifically evaluated. However, more recently, the HCN list of best practices has received some attention of the scientific community particularly in negotiator characteristics and competencies (Grubb,

et al., 2019; Johnson, et al., 2018; Young, 2016). The shift towards scientific rigor not only benefits the social scientist; it also shows promise to front line police officers and administrators. On the one hand, the shift towards a more scientifically grounded set of crisis negotiator principles can aide police in confirming their ideas garnered from years of front-line negotiating. On the other hand, the social scientist can aid in deciding best practices in a potentially lifesaving field by using sound methodological techniques.

Scholars have conducted studies to evaluate the skills, behaviors, and qualities of negotiators, and training requirements. They have also evaluated the value of negotiators working as a team, the roles negotiators play in critical incidents, and negotiation models (Grubb, et al., 2019, 2020; Johnson, et al., 2018; Young, 2016). This study will use social science research methods to explore Kidd and NCNA's best practices and their importance and frequency of use to a larger group of negotiators from the United States of America while trying to build upon the scientific studies above.

## II. LITERATURE REVIEW

### Historical Context

According to McMains and Mullins (2014), hostage-taking and negotiations have a longstanding history of being associated with the human condition. The first recorded use of force to resolve a hostage situation dates back centuries as illustrated in Genesis when Abraham used three-hundred and eighteen soldiers from four kings' armies to rescue his nephew Lotto (*The NIV Study Bible*, Genesis 14:12-16). Hostages have been used to coerce governments, to keep countries from going to war, and as bargaining chips. The situations were resolved primarily using force and were less about crisis negotiation and more about tactical resolutions (Guszkowski & Van Hasselt, 2017).

In the 1960s, American law enforcement began to respond to hostage situations with specific structural elements in mind. Early iterations of crisis negotiations were informal and often depended on the individual police officer's communication skills or them walking away. The other option was law enforcement agency amassing manpower and firepower, then insisting the hostages be released and the subject surrender. For example, if the hostages were not released and the subject did not surrender within a reasonable period, an assault was executed by a Special Weapons and Tactics (SWAT) team. By 1967, the first formalized SWAT team was created by the Los Angeles Police Department as hostage-taking started happening more often. (Guszkowski & Van Hasselt, 2017; McMains & Mullins, 2014).

Tactical resolutions offered by SWAT teams were seen as effective for a few years. However, several high-profile cases led police administrators to re-evaluate the

use of the SWAT team in the 1970s. These cases include: the 1971 Attica Prison Riot in New York State, the 1971 F.B.I. response to a hijacking in Jacksonville, Florida, and the “Munich Massacre” during the 1972 Olympic Games. All the events involved tactical police responses that led to disastrous results (Guszkowski & Van Hasselt, 2017).

### **Changing Tides**

On September 9, 1971, 1,200 inmates took over the Attica prison (Guszkowski & Van Hasselt, 2017; McMains & Mullins, 2014). They made demands to the New York State Prison administration and New York State Police while holding guards as hostages. On the fourth day of the riot, the New York State Police were ordered by New York Governor Nelson Rockefeller to deliver an ultimatum to surrender which was rejected by the inmates (Guszkowski & Van Hasselt, 2017). Governor Rockefeller then ordered an assault in which the police used assault tactics, tear gas, and rifle fire. According to McMains and Mullins (2014), twenty-nine inmates and ten hostages were killed during the assault.

As a result of the deaths, an array of investigations and lawsuits emerged. Judge Bernard Meyer issued a 570-page report in 1975 concluding “there was no intentional cover-up, only serious errors in judgement and omissions in evidence by troopers” (Tribune Wire Reports, 2015, para. 4). The conclusions were public record, yet the factual basis for them were not released until 2015 (Tribune Wire Reports, 2015). Furthermore, the State of New York paid more than \$24 million to inmates, their relatives, and families of killed prison employees (McMains & Mullins, 2014).

On October 4, 1971, George Giffe, Jr. hijacked a chartered twin-engine plane in Nashville, Tennessee. He took his estranged wife (Susan Giffe), a recent acquaintance

(Bobby Wayne Wallace), and the plane's pilots hostage at gunpoint. Giffe, Jr. was hoping to fly to the Bahamas, but the plane was forced to refuel in Jacksonville, Florida. One pilot and Wallace were released to negotiate for fuel but then escaped. While in Jacksonville, the Federal Bureau of Investigation (F.B.I.) decided to disable the plane by shooting the tires and the engine. When F.B.I. agents later approached the plane, they saw that the other pilot and Susan were dead. George Giffe, Jr. was initially alive but died later.

Much like the aftermath of the Attica prison riots, multiple parties filed lawsuits in civil court against the F.B.I in response to the deaths and for damages to the plane. Although the United States (U.S.) District Court did not find negligence in the case, the U.S. Court of Appeals reversed the decision and decided there "was better suited alternative to protect the hostages' well-being" and suggested the alternative be the "waiting game" versus using force to intervene (*Downs vs U.S.A.*, 1974). In a case study, Mijares and Jamieson (2005, p.73) described this incident as a "glaring example of everything not to do in hostage events" and "influenced the later development of fundamental knowledge, training, and skills" of hostage crisis negotiators.

On September 5, 1972 in Munich, Germany, eleven Israeli Olympians were taken hostage in their dorm by thirteen Arab terrorists demanding free transportation to Egypt and the release of two-hundred Arab prisoners from Israel. The event was televised live and the United States, along much of the world, watched as the drama unfolded (McMains & Mullins, 2014). When the police and untrained police "volunteers" with hunting rifles demanded that the terrorists surrender, a grenade was thrown by one of the terrorists and then three tried to escape. The incident ended when the remaining

terrorists detonated another grenade in the helicopter with the hostages. During the “Munich Massacre,” one police officer, ten of the twelve terrorists, and all the Israeli hostages were killed. According to Grubb (2010), the event is cited by many professionals in law enforcement as the impetus for creating de-escalating techniques during a crisis (hostage) event.

The tactical interventions by the New York State Police at Attica, the F.B.I. in Jacksonville, Florida, and the police and untrained police “volunteers” made the United States reconsider how negotiations should be used in hostage situations. Due in large part to the U.S. Court of Appeals ruling from Jacksonville, negotiation became the first option instead of the third behind use of force and escape (Guszkowski & Van Hasselt, 2017). Police were required to try other less lethal options, continuing the “waiting game”, instead of forcibly intervening (Mijares & Jamieson, 2005).

### **Beginning of Hostage (Crisis) Negotiations**

The three previously mentioned events were instrumental in the creation of a hostage negotiation unit at the New York Police Department (NYPD) in 1973. Detective Harvey Schlossberg, who is also a psychologist, and Lieutenant Frank Boltz developed negotiation principles to help manage hostage situations and de-escalate a crisis (Guszkowski & Van Hasselt, 2017; Johnson, et al., 2018). Schlossberg, and Boltz deduced that crisis negotiations should emphasize:

1. The importance of containing and negotiating with the hostage-taker in a hostage incident.
2. The importance of understanding the hostage taker’s motivation and personality in a hostage situation.

3. The importance of slowing an incident down so time can work for the negotiator. These came from their own experience as well as a thorough literature review (Johnson, et al., 2018; McMains & Mullins, 2014).

Vecchi et al. (2005) later expanded on the Schlossberg and Boltz principles by extending specific goals of crisis intervention:

1. Establish communication and establish rapport
2. Buy time
3. Defuse intense emotions
4. Gather intelligence.

In January 1973, the NYPD tested their new approach to crisis negotiations during a hostage event in a retail store in New York City. In this case, four armed robbers became trapped inside the store after a silent alarm was engaged. Although gunfire was exchanged initially and two police officers were injured and one killed, the NYPD successfully negotiated the release and/or escape of the hostages and surrender of offenders rather than assaulting the building (McMains & Mullins, 2014). Special Agent Thomas Strentz and the F.B.I. took notice, and soon a national training program was established at the F.B.I. Academy in Quantico, Virginia (Guszkowski & Van Hasselt, 2017).

Moving into the 1980s, the nature of crisis negotiations extended to barricaded subjects. What is referred to as the second generation of crisis intervention, the concept of a “hostage” negotiation shifted to “crisis” negotiation. The second generation of crisis negotiation continues today. Interestingly, ninety-six percent of all critical incidents that the police respond to do not involve hostages (NCNA, 2020).

## **Definition and Phases of a Crisis**

In a policing context, a crisis is defined as a situation in which a subject feels they cannot overcome the conflict, without resorting to extreme methods (Johnson, et al., 2018). Put another way, it is a situation that exceeds the person's ability to cope (McMains & Mullins, 2014). A crisis might be different for different people. It could be a job loss, a break-up, or the person might have committed a crime and does not want to go back to jail. In the author's experience, it is often a combination of these factors while under the influence of alcohol and/or illegal drugs.

The main aim of the crisis negotiator is to change the behavior of persons involved in an incident, including hostage takers in crisis, and to provide acceptable solutions to resolve the crisis. The primary strategy employed by negotiators is the use of communication skills over a protracted period (Oostinga, et al., 2018). This is done primarily by dealing with the subject's emotions, establishing communication, identifying the precipitating event, and problem solving (Vecchi, et al, 2005).

The four stages of a crisis are: pre-crisis, crisis, accommodation/negotiation, and resolution (Guszkowski & Van Hasselt, 2017). In the pre-crisis stage, a person is unaware of an underlying issue and is going about their normal routine. The crisis stage is represented by the inability to cope, high emotions, and low rationality. It is during the crisis stage that the police are often called to intervene. The accommodation/negotiation stage is characterized by the subject thinking more clearly, working through the crisis, and being receptive to suggestions. This is due to the lessening of emotional intensity, thus helping effective problem solving. Lastly, the resolution is the ending of a crisis by an acceptable solution (Vecchi, et al., 2005).

Starting with the F.B.I., but influenced by the NYPD, “crisis” negotiation teams have become a highly popular and widely used element of police departments in the United States and around the world. In the 1980s, U.S. law enforcement began to develop crisis management teams (i.e., Crisis Negotiation Team (CNT), Crisis Intervention Team (CIT), Crisis Response Team (CRT)) to train others to use verbal strategies to end critical incidents (Guszkowski & Van Hasselt, 2017).

Over the last few decades, negotiators have reached a “level of professionalism that requires that they look critically at their organization, performance, training, and skills so they can continually improve their performance” (McMains & Mullins, 2014, p.46). Although the crisis negotiation field began in the 1970s, it has only recently begun to attract the attention of academics. It is a well-established police tool supported by both empirical and anecdotal evidence-related to this efficacy (Grubb, et al., 2020; Guszkowski & Van Hasselt, 2017; Johnson, et al., 2018).

### **Hostage (Crisis) Negotiation Best Practices**

Some of the anecdotal evidence of best practices in crisis negotiations comes in the form of (1) a best practices list suggested by Kidd (in McMains & Mullins, 2014) and (2) the “recommended guidelines and policies” from the National Council of Negotiation Associations (NCNA) (NCNA, 2020). The lists are subjective even though they were compiled by knowledgeable (“expert”) negotiators based on decades of practical experience. Empirical research has only touched on a couple different aspects (negotiator characteristics and competencies) of these lists though the literature does not mention Kidd’s or the NCNA’s “best practices” list.

Kidd's list of best practices (in McMains & Mullins, 2014) was based on his decades of experience as a crisis negotiator with the San Francisco Police Department. Though the research has not been published, Kidd says he also conducted surveys with personnel from approximately fifty police departments around the United States using an expanded version of this list (William Kidd, email message to author, January 5, 2020). The nature of the survey was a simple question of whether they agreed or disagreed with Kidd's list of best practices.

As illustrated in Table 1, Kidd's best practices list contains 29 key concepts whereas the NCNA provides a list of 21. The NCNA consists of a council made up of twenty, mostly state, hostage negotiation associations. The lists discuss the concepts of team, selection and training, standard operating procedures (SOPs), communication, intelligence, and mental health. See Table 1. The NCNA's list also contains several statistics (i.e., success of negotiation in defusing crisis situations, percentage of critical incidents that are hostage situations, and average time to resolve critical incidents, etc.) from the F.B.I.'s Hostage Barricade Database System (HOBAS) to support the suggested negotiation practices (McMains & Mullins, 2014; NCNA, 2020).

However, Lipetsker (2004) conducted an evaluation of HOBAS and discovered that HOBAS data contains major qualitative biases and a quantitative bias. Compounded self-selection bias is present because negotiators decide if they want to take part in HOBAS and what cases they wish to report. Convenience sampling bias is present in that only people aware of HOBAS are likely to report to the database. Lastly, there is ambiguity in HOBAS questions which may lead to differences that are based on interpretation and not actual differences. When compared to other datasets, there were

highly significant differences in objective variables which suggests a bias in the data (Lipetsker, 2004).

Table 1: The Overlap between Known Best Practices

<b>Kidd<sup>1</sup></b>	<b>NCNA<sup>2</sup></b>
<b><u>Team concept</u></b>	<b><u>Team concept</u></b>
1. Agency support for team	4A. All agencies maintain negotiation capability
22. Work effectively together	4A1. Smaller departments have mutual aid agreement
	6B. Minimum 3 negotiators to critical incident. Roles: primary negotiator, secondary/coach, team leader, intelligence, scribe, situation boards, tactical liaison, technical equipment officer, mental health professional
	11A1. ID team leader responsible for several tasks
<b><u>Selection and Training</u></b>	<b><u>Selection and Training</u></b>
2. Standardize selection of negotiators	8A1-7. Volunteer, self-control, calm under stress, excellent interpersonal communication skills, calm/confident demeanor, good listener/interviewer, works well in team concept
4. Completed basic negotiator course	9A1-2. 40-hour basic course including basic concepts and techniques, abnormal psychology, intelligence gathering, assessment, crisis/suicide intervention, active listening skills, case studies, role-playing, and incident management overview
5. Attend training outside agency	10C. Attend regional or national conferences
6. Training (4X/year & 1 SWAT/Command)	4D1&10B. Minimum of 40-hours of training annually
12. Interview training	
23. Use of third-party intermediaries (TPIs)	
<b><u>Standard Operating Procedures (SOPs)</u></b>	<b><u>Standard Operating Procedures (SOPs)</u></b>
3. Team mission	11A2. Have written SOPs
7. Call-out procedures	11A3. SOPs for negotiation operations center (NOC)
8. Negotiator response times	
10. Face-to-face communication	
11. Negotiator transition	
27. Surrender procedures	
28. Post-incident debriefs	20. Critical stress intervention as soon as possible

29. Documenting incidents

**Communication**

9. Appropriate communication equipment

24. Communication with tactical

25. Communication with command

**Intelligence**

13. Collection and Analysis

14. Dissemination

15. Modify plans based on intelligence

**Primary negotiator duties**

16. Identify and reassure of goal of peaceful resolution

17. Maintain patient and unhurried approach (\*)

18. Build trust/rapport using a non-judgmental\*, non-threatening, sincere, concerned attitude

19. & 20. Use active-listening skills (ALS)

21. Handle demands appropriately

**Mental Health**

26. Appropriate use of mental health resources (3)

19A. Conduct timely reviews of incidents.

**Communication**

D2a-d. Throw phone, cellular device with voice, data, text, video, and internet capabilities, public address system

16A. Maintain close working relationship

12A&13A&B. Critical advisor with direct access to IC. IC should not act as negotiator since they cannot “buy time” (1)

17A-C. Be familiar with negotiation concepts and philosophies, foster balanced decision making, and seek consensus

**Intelligence**

Not discussed by NCNA

14B,C,D. Use these skills to lower emotions, reduce tension, and serve as verbal containment

Use ALS to de-escalate and defuse situation

**Mental Health**

7A. Should have a consultative relationship with mental health professional(s).

7B1-5: Serve as advisor not negotiator, participate in training, respond to call outs, focus on behavioral assessment of subject, assist in debriefs

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<sup>1</sup> The complete and verbatim best practices list from Kidd is found in Appendix A.

<sup>2</sup> The NCNA list is in Appendix B.

## **Academic Literature Support**

**Team concept.** Several concepts from Kidd and NCNA's list are supported by the academic literature. Grubb, et al. (2019) pointed out the importance of the team concept and the importance of a standardized selection process in crisis negotiations. They base the importance of the team concept on the NCNA and F.B.I. Crisis Negotiation Unit (CNU) standards and the standard selection model from McMains and Mullins (2014).

**Selecting negotiators.** In the area of selecting negotiators, Johnson, et al. (2018) stressed: the importance of negotiators that show self-control, the ability to remain calm under stress, a calm/confident demeanor, and working well in a team. Excellent interpersonal communication skills, being a good listener, and a team player were named as important by both Grubb, et al. (2019) and Johnson, et al. (2018). They both also found: flexibility, mental agility ("ability to think on feet"), empathy, compassion, and respect were also important for negotiators (Grubb, et al., 2019; Johnson, et al., 2018). Johnson, et al. (2018) found concern for the well-being of the subject to be important while Grubb, et al. (2019) found: resilience, honesty, intuition, genuine trustworthiness, and ability to solve problems as important. The literature also found: minimum rank requirements, commitment to the role, recognize subject's motive, being a negotiator "for the right reasons," and operational policing experience as important in selecting negotiators (Grubb, et al., 2019; Johnson, et al., 2019). A distinct police officer profile exists in which officers are less neurotic and more open. This is different from the general population; however, if untrained in negotiations, it is same for officers and negotiators (Grubb, et al., 2017; Young, 2016).

**Training negotiators.** Though some form of training for crisis negotiators is commonplace, the training itself is not standardized which may lead to inconsistencies in police response (Grubb, et al., 2019). The lack of standardization results in variability in the of resources dedicated to training crisis negotiators. For example, the training of negotiators using a basic (qualified) 40-hour course is supported by McMains and Mullins (2014), NCNA (2020), and Guskowski and Van Hasselt (2017); however, they note the F.B.I.'s crisis negotiation course is 80 hours.

**Recurrent training.** Training throughout the year (eight hours a month) instead of in large bunches is suggested (McMains & Mullins, 2014). The State of Texas requires a minimum of 40 hours a year for negotiators to request the emergency interception and use of wire, oral, or electronic communications under the Texas Code of Criminal Procedure Chapter 18A.201. In definitions, "Member of a law enforcement unit specially trained to respond to and deal with life-threatening situations" means a peace officer who receives a minimum of 40 hours a year of training in hostage and barricade suspect situations as shown by the submission of appropriate documentation to the Texas Commission on Law Enforcement (TCOLE).

Guskowski and Van Hasslet (2017) suggest active listening and rapport building should be a critical focus. McMains and Mullins (2014) suggest training that takes negotiators' different learning abilities into account, that it is realistic, and that it be specific to what type of incidents the team negotiates. They also recommend training with SWAT once a year and conducting another training with command, patrol, EMS, and other responders. Johnson, et al. (2018) found that most negotiators (51%) attended

recurrent training more than five times a year, 13% attended three to four times, 23% attended training two times, and 12% attended training just one time a year.

**Communication.** Grubb, et al. (2019) notes the use of a variety communication methods which are supported by an internet-capable device. The communication relationship with tactical units and command are mentioned as well. Grubb, et al. (2019) reiterates the importance of a close relationship between teams which can only be helped by regular training and the idea that “negotiators negotiate and commanders command.”

**Intelligence.** Grubb, et al. (2020) found the process (collecting general information about subject, their mental health history and criminal history) as necessary to begin at once and continue throughout the negotiation process.

**Primary negotiator duties.** The primary negotiator should use active listening skills (ALS) to “buy time.” “Buying time” allows for the arrival of personnel and equipment, the gathering of intelligence, the escape of victims, planning of tactical intervention and is supported by the research literature (Grubb, et al., 2019, 2020; Guskowski & Van Hasselt, 2017; NCNA, 2020; Vecchi, et al., 2005). Negotiators should wear a uniform separate from other units and the uniform should clearly identify them as a negotiator. The primary negotiator should identify themselves by their first name and the fact they are a negotiator but avoid rank. Also, the use of a “cheat sheet” in negotiations has been named as important (Grubb, et al., 2019; Johnson, et al., 2018).

**Mental health resources.** Guskowski and Van Hasselt (2017) encourage the use of a mental health consultant to help devise a negotiation strategy, to educate and debrief on mental illness and active listening. They can also act as an intelligence gatherer, post-incident counselor, and/or resource evaluator.

**Hostage (crisis) negotiator team/roles.** Young (2016) notes 95% of surveyed negotiators had acted as a primary negotiator during an incident, 82% had acted as a secondary negotiator during an incident, 76% had acted as an intelligence officer, and 36% had acted as a supervisor or commander during critical incidents.

**Negotiation models.** Although the best practices lists do not cover models used in negotiations, the models are covered in the literature. Two of the most recognized models are the Behavioral Stairway Model (BCSM) and REACCT (Recognition, Engagement, Assessment, Contracting, Controlling, Transferring).

The BCSM was developed by the F.B.I.'s CNU and has been used to help resolve several highly volatile critical incidents (Vecchi, et al., 2005). It recognizes pre-crisis, crisis, negotiation, and resolution and is designed to provide relationship-building process between the negotiator and subject which hopefully leads to a peaceful resolution (Guszkowski & Van Hasselt, 2017; Vecchi, et al, 2005). There are five steps of the BCSM: 1) active listening; 2) empathy; 3) establish rapport; 4) influence; and 5) behavioral change. The negotiator is meant to progress through the stages sequentially and cumulatively. This author notes that sometimes it is necessary to go back and forth on the stairway. See Figure 1.

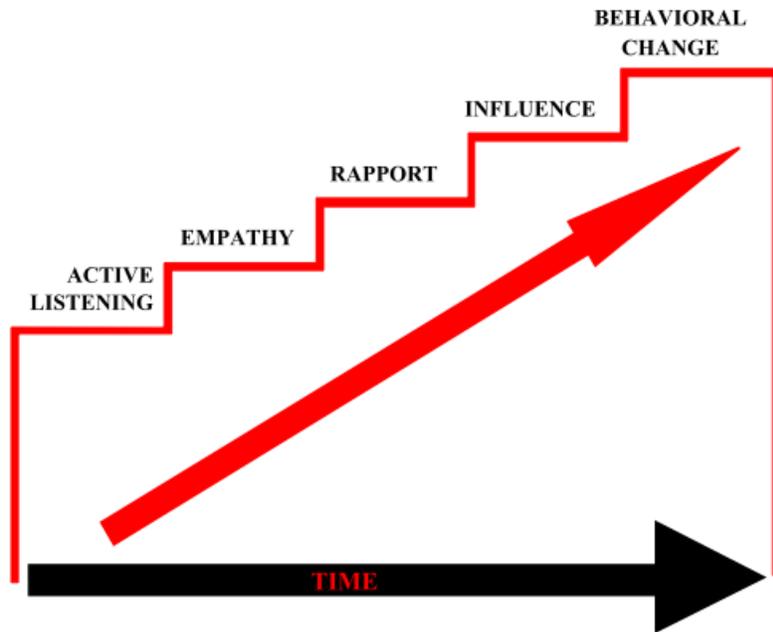


Figure 1: Behavioral Change Stairway Model (BCSM) (Bennett, 2016)

The first step of active listening is considered the “bedrock” of crisis intervention since most people in crisis have a desire to be heard and understood. The active listening skills (ALS) include emotional labeling, paraphrasing, reflecting or “mirroring,” effective pauses, minimal encouragers, “I” messages, open-ended questions, and summarizing. Effective active listening leads to the second step, empathy, which is the understanding of another’s situation, feelings, and motives. During step 3 (rapport), there is increased trust and mutual infinity between the negotiator and the subject which leads to precursors (“face saving” justifications, minimizations, “blending”) to ending the crisis. The subject is finally willing to accept suggestions of the negotiator in the step 4 of the process, influence. Behavioral change, step 5, can only occur after the negotiator and subject have moved through the first four steps and culminates with the subject following the negotiator’s suggestions.

The REACCT Model overlaps with BCSM and focuses on six major tasks named above. It focuses on tasks since negotiations require lots of back and forth, but they are not always in the same order. *Recognition* is identifying subject and risks by *Engagement* of the subject on a personal level. During *Assessment*, negotiators continue to evaluate the subject's emotional state including aggression level or suicide risk. The *Contracting* and *Controlling* tasks involve using ALS and persuasion techniques to solve the critical incident. The last task is *Transfer* when the negotiator arranges resources for the subject in attempt to help avoid possibility of the subject reoffending (Johnson, et al., 2018).

The BCSM is the “current driving force for many HCN training curriculums” (Grubb, et al., 2020, p.3). Johnson, et al. (2018), reported that only half of respondents used a model, and, of those that do, 64% use the BCSM. Only 5% used the REACCT model, but they do not discuss why.

Grubb, et al. (2020) briefly covered other negotiation models including, but not limited to, the Getting Past No Model, principled negotiation, crisis bargaining, Structural Tactic Engagement Process (STEP), and SAFE. STEP tries to move a subject's position of change from pre-contemplation (McMains & Mullins, 2014). SAFE is defined as a model that focuses on the *Substantive* demands of subject, the like and trust involved in a relationship under *Affiliation*, and the imperative of subject to save *Face*. Lastly negotiators must manage the subject's *Emotions*.

Grubb, et al. (2020) note that the first three models had some early success but have been criticized for not taking the subject's mindset into account. The next two, along with BCSM, do a much better job of this. The SAFE model focuses on

communicative approaches and behaviors and how negotiators can use these to resolve an incident. Guskowski and Van Hasselt (2017) briefly discuss the BCSM, STEP, and a four-phase model of establishing contact, building rapport, influencing, and surrender.

Grubb, et al. (2020) used these models to develop the D.I.A.M.O.N.D. model (Deployment; Information and intelligence gathering; Assessment of risk and threat; Methods of Communication; Open dialogue with subject, Negotiator toolbox and repertoire to resolve incident, Debriefing procedures which covers three aspects of (English) hostage (crisis) negotiations: procedural, operational, and communicational.

### **The Present Study**

To explore the utility of crisis negotiator best practices' lists from both Kidd (in McMains & Mullins, 2014) and the NCNA (2020), the current thesis measures the relative importance and frequency of use of the best practices based on the survey results from a larger group of negotiators mostly from the United States of America while building on the scientific studies listed above. The thesis also contributes to the growing breadth of HCN literature by providing a more scientifically rigorous list of best practices to better focus on training, selection of negotiators, and the practice of negotiations. Instead of having to examine numerous books and academic articles, the study will provide one resource which combines the findings of prior work while evaluating these findings and their relevance in real-world applications.

### **III. METHODS**

#### **Design**

To generate a holistic narrative of best practices in HCN, this study explores the relative importance and frequency of use of best practices from Kidd and NCNA using a mixed-methods approach. More specifically, qualitative, and quantitative methods were used to address three specific research aims:

1. Identified “best practices” lists were sent to a list of subject matter experts (SMEs) and their feedback was solicited.
2. The feedback was used to generate a focus group guide which was used to further confirm the list of best practices with SMEs and other practitioners.
3. Using these two forms of qualitative data, a questionnaire was generated for distribution to a larger set of negotiators in the United States of America.

#### **Participants**

For research aim #1, the SMEs in the initial email list were recruited through convenience sampling via Dr. Wayman Mullins, an expert in crisis negotiations. The author does not know if email addresses supplied were right or if the recipient received and/or opened the email so the total number of participants could not be found beyond the number of emails sent.

The participants in the focus groups were from the first email list of SMEs that were present at the 2020 Texas State Crisis Negotiation Competition and Seminar and willing to take part along with others who were recruited through convenience. Dr. Mullins recruited them to participate in this study due to their expertise and presence at the competition.

The participants for the survey were also recruited through convenience sampling and were contacted by email through their membership in a crisis negotiation association or their attendance at the 2020 Texas State University Crisis Negotiation Competition and Seminar. The team leaders were initially contacted and asked to have their team take part. If willing, the survey was then sent to the team members. Prior to taking the survey, participants were supplied a brief introduction explaining the purpose of the research.

### **Literature Review/Email Exchange (Research Aim #1-Foundation)**

To generate a first or foundational list of “best practices” in HCN, the author conducted an extensive literature review. The author found two best practices lists in McMains and Mullins (2014) and NCNA website (2020) along with following recent academic literature articles for negotiator characteristics and competencies: Grubb, et al. (2019) and Johnson, et al. (2018). Using these references as a guide, the author created a comprehensive list of best practices.

The list was then sent via email to seventy-two subject matter experts (SMEs) in the field of hostage/crisis negotiations which were identified by Dr. Wayman Mullins. The author wanted to figure out how these best practice lists were viewed by SMEs in the field. The email asked for their input (practices they agreed on, additions, and subtractions). The SMEs gave feedback which was then condensed into a best practices list.

### **Focus Groups (Research Aim #2-Refining of Best Practices)**

While the SMEs (included in the initial email) and other SMEs were in San Marcos, TX for the 30th annual Texas Hostage Negotiators Conference and Competition,

the author conducted four focus groups with a total of 33 participants. Due to the voluminous list of “best practices,” the author focused on five questions:

1. From the list provided for “best practices” while negotiating, how would you get the list down to a few different bullet points?
2. What is the best model (SAFE, REACTT, Keep It Simple Stupid (K.I.S.S.), or none) to use during crisis negotiations?
3. How much training should negotiators get initially then per year? What should the training look like (monthly, quarterly, how long, etc.)? How many times should negotiators train with SWAT/Command?
4. How many negotiators at a minimum (not ideal, but to be effective)?
5. In selecting negotiators, is rank important?

### **Survey Instrument (Research Aim #3-Best Practices List)**

Using the findings from research aims #1 and #2, a 70-question survey instrument was generated for distribution to a larger audience of crisis negotiators. The focus of this part of the thesis was to explore the degree of consensus surrounding each practice’s relative importance amongst practitioners in this domain. A second area of interest was the frequency of use of each practice in the real-world. More specifically, the author was interested in not just the degree to which participants supported a theme but the amount of resources/energy that respondents invested in each best practice area.

The survey included nine demographic questions: gender, age, type of agency (local, state, federal, military, or other), type of local agency (police, sheriff, corrections, joint team, or multi-agency, other), size of agency (# of sworn), rank, number of years as officer, deputy, agent, number of years as a negotiator, and numbers of negotiation

incidents. The survey was built from the best practices list and based on the sources of data from this study. Negotiators were asked to rank the importance of a particular best practice in crisis negotiations and the frequency of its use in real world applications. The importance answers were on a 5-point Likert scale: 1) extremely important, 2) very important, 3) moderately important, 4) slightly important, 5) not important. The frequency of use question also used a 5-point Likert scale: 1) always, 2) very often, 3) sometimes, 4) rarely, 5) never.

The questions covered the themes from research aims #1 and #2: training/education, negotiating incidents, team member positions, selection of negotiators, primary negotiator roles, team leader, SWAT commander, and Incident Commander (IC) roles, and documenting and debriefing incidents. In addition, negotiators were asked which negotiation model (BCSM, REACCT, K.I.S.S, or other) they employed and other strategic questions, which came from the literature review. Some of the same strategic questions asked by Johnson, et al. (2018) to include how to address the subject and clothing items worn to show them as negotiators were asked. Other questions addressed: separating past actions from current ones, addressing suicidal intent and not drawing attention to hostages, and importance of rank when selecting negotiators. Lastly, participants were asked an open-ended question about anything else they wanted to add about their beliefs of crisis negotiations. The survey was distributed using the e-mail lists of HCN associations using Qualtrics.

## **Procedure**

Ethical approval was gained from the Texas State University Institutional Review Board (IRB) on November 6, 2019. Before each research aim was addressed, each

person was advised that their participation was voluntary, confidential, and would include no remuneration. It was explained how the author was going to protect their privacy including the use of pseudonyms and asking participants not to discuss content of the focus groups. No personal identifying information was going to be collected from survey participants. See Appendix C for the IRB approval letter.

## **Analysis**

For the first research aim, the SME emails were coded based on the best practices lists of Kidd (in McMains & Mullins, 2014) and NCNA (2020). The author indicated if the SME felt the practice was important (yes or no) or if they had anything to add. In the second study, the author used Nvivo software to manually code the SME focus group responses based on the five questions which were asked. For the survey, the author found what percentage of participants believed a particular best practice was “extremely” or “very important” and how frequent (“always” or “very often”) a practice was used. The two (“extremely” and “very important”) percentages were combined as a measurement of importance and “always” and “very often” were combined as a measure of frequency of use. Using the survey responses of “extremely” and “very important,” the author created a new best practices list for all practices within one standard deviation of the mean. Lastly, chi-squared tests were conducted to determine relationships between a variables’ importance and frequency.

## IV. RESULTS

### **SME-informed Foundational List of Best Practices-Research Aim #1**

**Sample description.** Fifteen of the 72 SMEs that were asked responded to the author's email. Fourteen of the respondents were males with one female. Most of the experts represent federal, state, and local agencies in Texas while there were others from different states in the United States. One of the SMEs worked in corrections.

**Negotiation model.** Under "best practices" while negotiating, ten experts did not comment on what negotiation model to use while three said the behavioral stairway model was the best model, one suggested the SAFE model if there are enough negotiators, and another suggested K.I.S.S (Keep It Simple Stupid). K.I.S.S. was suggested because "too much pre-structuring reduces negotiation flexibility and readiness outside of a (particular) model."

**Rank while negotiating.** Fourteen of the experts suggest not using rank with one adding, "This can lead to more problems than progress." Most of them recommended using first name only while others said to use first name and agency, the fact you are with the crisis team (unless that prevents rapport), a negotiator, or a police officer. Thirteen experts also recommend wearing something to identify yourself as a negotiator. One proposed "no large identifiers" while another added, "windbreaker and cap minimum."

**Cheat sheet.** All experts suggested removing "Use a cheat sheet" from the best practices list unless it "prompts the primary (negotiator) about active-listening skills (ALS) and key facts for verbal tactics" or "when stuck or struggling." All experts agreed that ALS should be used with one expert saying, "Absolutely." Another added, "Attempt

to label every emotion” while another said to (use ALS) to “Establish purpose, process, and payoff.”

**Handling demands.** When handling demands, all SMEs agreed that they must be handled appropriately. One expert suggested creating a “detailed list as to how to do this” while other experts said that demands must be “taken serious, minimized (“softened”) when they mostly [sic] likely will not be met” while another two experts suggested, “passing them up (to command).”

**Negotiator characteristics.** The experts agreed that some characteristics were important to negotiators: appearing calm, being relaxed but firm, controlling vocal tone and body language, showing sincere concern for (subject’s) well-being, and de-escalating the situation. They also stress the importance of treating the subject with respect to improve communication, being non-judgmental and honest without making assumptions, and using the subject’s name. It was also noted that the team should work with a mental health consultant to recognize the subject’s motive(s) accurately and acknowledge correctly.

Lastly, SMEs unanimously concurred that empathy, not sympathy should be used “when appropriate, not with psychopaths.” One expert suggested Chris Voss’ “tactical empathy.” Voss is a retired F.B.I. agent who is now President of Black Swan Group which conducts negotiation training and consulting. “Tactical empathy” is defined as “knowingly and intentionally influencing your counterpart’s emotions to make deals” (Voss, 2020, para.1).

In relation to “best practices” while negotiating, three experts added 29 new items to the list. One expert added five items, another added two, while the last expert added the other 22 items.

SMEs agreed on many of the most important negotiator traits. One said they were not sure if “determined and focus” was important. One suggested removing “good conversationalist with rhetorical skills” and “effective communicator.” One expert suggested “ability to develop rapport” instead. Under “compassionate and sympathetic,” two suggested removing sympathy while two others suggested replacing “sympathy” with “empathy.” Another added modesty, altruistic, and volunteer who is “believer in negotiation process” as important.

**Training of negotiators.** The experts all agreed that a 40-hour basic course (at minimum) was important and 40 hours of training a year, including training outside the department, was important. On the statement of “training four times a year,” some accepted this amount of training as sufficient while another pushed for six to eight trainings a year and two others suggested training eight hours a month, every month.

One expert was good with one training exercise a year with tactical and command while another set that as a minimum. Two suggested two times a year with one suggesting having one training end with negotiated resolution and the other a tactical one. Another expert suggested four trainings a year with tactical and command.

**Equipment.** Under the equipment best practices, there were three suggested pieces of equipment: a throw phone, a public address (PA) system, and a cellular device capable of voice, data, text, video, and internet access to run social media applications.

Two experts stressed the importance of the throw phone, and one suggested having one with multiple headphone jacks and/or blue tooth technology with headphones. One expert suggested the PA system be portable. Under the cellular device, one expert suggested having it assigned to team and not a team member while another suggested that each team member have a device. They further suggested not letting the subject have the phone number. One expert noted, “Text is the wave of the future.”

The SMEs made 14 suggested additions; however, three suggested recording devices (digital or tape) so “all negotiations, including face-to-face negotiations can be recorded.” Other suggestions included basic office equipment (pens, pencils, notebooks, clipboards, file folders, and sticky notes), batteries, at least one computer, dry erase board, camera, and personal items. A couple of the experts suggested a mobile command vehicle so negotiators could be separate from other participants on scene.

**Standard operating procedures (SOPs).** One expert each emphasized SOPs for team mission, setting up and running a negotiation operation center (NOC), CNT take over from patrol officers, and evaluating and modifying plans. Six experts discussed the importance of surrender plans and other action plans. Two stressed the importance of establishing these plans with SWAT as soon as possible. Three experts indicated the importance of having procedures for intelligence collection and analysis at a central location. Two others thought incidents should be debriefed there should be written protocols for documenting incidents. Another emphasized critical incident stress management or debrief (CISM/CISD) as soon as possible because “we lose cops (with CISD that could be avoided).”

The SMEs made 16 suggestions; however, many of the suggestions fit into other parts of the best practices' lists including SOPs for mental health professionals, selection and training of negotiators, relationship with incident command and tactical team while others were specific to situations. They also include responding to jumpers, negotiation position papers, logistical needs, and incident assessments.

**Team roles.** One SME expanded on the minimum of three negotiators responding to the scene by identifying the negotiators roles as primary negotiator, secondary negotiator, and team leader. Another SME suggested three negotiators were enough for a SWAT operation, but the entire team was needed for other situations. Another expert suggested three is not adequate since thirteen negotiators is average. Another asked the question, "What if you only have two members?" Another suggested a minimum of four negotiators with a training coordinator, while another suggested having a tactical and command liaison. Other experts suggested these roles cross-train to fulfill other roles other than mental health professional.

**Team leader.** One expert emphasized that a team leader should handle: operational assignments, team selection, training, and equipment. When discussing the team leader acting as a critical advisor and having direct access to the incident commander, one SME added "and tactical commander". Another expert advised this role should be the duty of the liaison officer so the team leader can focus on negotiations. Another expert seconded that idea.

One SME added the team leader should supervise all members of the team while another added the team leader should take part in all aspects of the negotiation process including leading the operational debrief and critical incident stress debriefing.

**Primary negotiator.** The importance of building trust and rapport and using non-threatening, non-judgmental communication, was emphasized. Lowering emotions and reducing tension (through active listening skills) was also emphasized.

Another expert stressed being empathetic, while another pointed out the importance of active listening skills when appropriate. One more pointed out communicating/practicing/discussing options with the coach/secondary negotiator. They also suggested the ability objectively to make recommendations or report progress/decline in rapport. Another SME noted the importance of employing proper communication techniques and diverting a subject's attention away from tactical teams' actions if asked. Lastly, one suggested developing verbal tactics with subject that facilitates "collaborative problem-solving" and a "dignified surrender."

**Selecting negotiators.** The experts noted the importance of standardized selection, but one pointed out this will vary by agency and be part of collective bargaining agreements. Several SMEs felt rank was not important when selecting negotiators if the members were not high-ranking officers. Not having high-ranking officers avoids the negotiator being the decision maker and being blamed for negotiation progress and/or lack of progress.

The negotiator's fit with the rest of the negotiation team was seen as important along with outlining the specific steps in the process including application, interview, scenarios, and probationary period.

**Relationship with SWAT/Incident Command (IC).** Two experts stressed the importance of maintaining a close relationship and coordinating with tactical while

another added “and command.” Two experts emphasized the role of incident commander in making decisions and overall management of the incident.

One expert noted the importance of working and training together especially in decision-making. Another indicated that SWAT/IC should have knowledge of basic negotiation skills to better understand CNT recommendations. Another SME supplied other responsibilities of the IC including: organizing and providing resources, providing logistical support, running tactical and CNT debriefings, and ending negotiation and commencing tactical actions. Lastly, another expert stressed the importance of case studies in familiarizing negotiators, SWAT members, and IC with issues before critical incidents.

The SMEs had several additions to the list which were all compiled into Appendix D. See it for details.

### **Focus Group Portion—Research Aim #2**

**Sample description.** There were 33 participants in the focus groups. There were 27 males and two females from local, state, federal law enforcement in Texas, Missouri, Indiana, Florida, Kansas, Nevada, Arkansas, California, and Kentucky. There was also a male law enforcement representative from Scotland and one from Germany along with a male and female representative (police and corrections) from Singapore. Each negotiator has at least a decade of negotiation experience with many having much more. To protect the identity of the participants, the author categorized each one as either a local, state, federal, or international negotiator (L, S, F, INT) with their focus group time (1, 2, 3, 4), and then the order they initially spoke (1, 2, 3...).

The focus group set out to answer the following five questions:

1. From the list provided for “best practices” while negotiating, how would you get this down to a few different bullet points?
2. What is the best model (SAFE, REACTT, K.I.S.S., or none) to use during crisis negotiations?
3. How much training should negotiators get initially and then per year? What should the training look like (monthly, quarterly, how long, etc.)? How many times should negotiators training with SWAT/Command?
4. How many negotiators minimum (not ideal, but to be effective?)
5. In selecting negotiators, is rank important?

**While negotiating.** There was a discussion about whether to state rank while negotiating and whether you state you are a negotiator. There was also talk of whether you should wear something to identify you as a negotiator, and whether you should use your first name and where you work. Most SMEs agreed rank should not be used unless trying to slow things down. “We never state our rank. If you state your rank, they will want to talk to the next rank” (L:CA:2:1) yet L:TX:2:3 said, “If you had a subject exchange gunfire with an officer and now you are trying to slow things down...you are a supervisor called out there to slow things down...I am in control of these officers you don’t have to worry about them shooting at you anymore. We do it all the time.” Another suggested not telling the subject they are talking to a negotiator because “it implies you are trying to trick them or outfox them” (L:TX:2:3), yet another said, “If they are talking to you, they know you are a negotiator. The majority of the time they are going to figure it out” (L:TX:2:6). A few other SMEs suggested saying your first name and they agency that you work for (L:FL:2:1; L:TX:2:2,3,4).

One SME felt it was not important to wear something to identify yourself as a negotiator because “Sometimes we may never visually [be] in front of these people

except after they are taken into custody” (L:AR:2:1), but L:TX:2:4 said, “I think it is actually for command and other police officers, so they know who you are on scene. I don’t think it is for the hostage takers or the barricaded person at all.”

**Standardized recruitment/selection.** The importance of having a standardized selection process for negotiators was mentioned by the SMEs. S:TX:11:2 said, “Absolutely. Have to.” There was lots of agreement. “Some type of boiler plate that can be adjusted for the culture of a department” (L:MO:11:1). Selecting negotiators who want to be on the team and who can listen and not just assigning people to negotiation teams was valuable. “Would this individual be able to listen...can he listen and move that relationship?” “The first set of negotiators were you, you, and you... we lost over half our negotiators when they went through the course and decided it was not for them” (S:TX:11:3).

**Standard operating procedures (SOPS).** The importance of developing standard-operating procedures for allotted training and being separate from SWAT was discussed. “We write our procedures for ourselves and sell them to the administration. Once they sign off on them, they have to give us eight hours every month because this is what it says” (F:TX:11:2). “The policy would be to have a clear and definitive policy for negotiators that stands alone from other specialty teams...it can be a division of SWAT, but it needs to be its own entity” (L:FL:11:1). L:MO:11:1 added, “This is what actually got my team bonded...I am a negotiator, that is my thing.”

Debriefing after an emotional situation, including giving administrative days off to the primary negotiator and anyone else that needed it, was mentioned. “If that person ends up committing suicide, then the negotiator feels like they have failed” (L:AR:2:1).

The days off “have been very helpful to our team. It allowed that lead negotiator to refocus and get her head straight after” (L:IN:11:1).

Another SME discussed all negotiations being recorded. There should be an “ability to record, write it down, to present it to them (command) so that gets them to stop and go, ‘I need to consider all of the tactical options that have been given to me’ ...just in case they decide to say they don’t remember the conversation.” The position paper is the receipt that” measures the process and here are my tactical recommendations” (F:INT:3:2)

**SWAT/CNT relationship.** The importance of not having a dual role on-scene and the SWAT and CNT commander being the same rank was discussed. “One of the local agencies in my area has a captain that is a negotiator... when someone moves to command, they cannot have two roles” (S:TX:11:3). “If you are negotiator, you are the negotiator. You cannot have dual roles. You can share you opinion, but you cannot have final say” (L:FL:11:1). One SME indicated that a SWAT and CNT commander should be the same rank so “they both have equal decision-making power” (L:IN:11:1).

**Negotiation model.** There are many models that can used in negotiations, but the Behavioral Change Stairway Model (BCSM), SAFE and the suicide-crisis model were the ones mentioned during the focus groups.

The idea of K.I.S.S was stressed by a few of the SMEs even while discussing other models. “We have some guidelines that we go by and everyone teaches; I think if we are not careful, we can build too much [sic] intricacies into the process, we can go on a tangent and away from the core. I guess the individual understanding and doing using empathy and rapport whether than try to work off of a list of I better try this”

(F:TX:11:2). Another suggested, “For a standard across the board from south Florida to Washington coast, the bare basics, active listening is that.... They can build on what works for their region from there” (L:FL:11:1).

Active listening was stressed by several participants as an important concept in crisis negotiations. “I think active listening is the primary thing. You can keep it simple and do a lot of things, but every situation is quote ‘the same but it isn’t’.... It is that listening that would help direct the activity which 90% of us have a basic background in this if we have trained in this no matter what or whatever” (F:TX:11:1). “You can get on phone with the guy, start talking and listening” (L:AR:2:1). Active listening is the 1<sup>st</sup> step, but it is used throughout the BCSM. “Active listening is something that makes you understand, to be that diagram of the behavioral stairway...active listening is at the bottom but actually active listening goes all the way through it” (F:INT:3:2). “There is active listening with progression to a change in behavior” (L:TX:4:2).

The Behavioral Change Stairway Model (BCSM) was the model which was embraced by many of the SMEs. One SME described it as “the best path” (L:TX:2:2) while another described it as “the simplest one” and “it covers basically everything, and it does not get complicated” (L:KY:4:2). It was noted by INT:3:2, “the behavioral model has been in existence since the 70’s [sic], and it is recognized and taught throughout the world, so if you across [sic] to say Germany they would know exactly what to do within that context or the U.S., so globally it is the model that is normally well accepted”. The BCSM does not apply to every situation including active shooters (L:TX:4:1; L:TX:2:2). It is “not supposed to be a linear fashion” (L:TX:2:1), it goes “it is never 1,2,3,4,5 and we are done, it is 1,2,3, then back to 1 (L:FL:2:1), but “as a model

concept leaves enough room for the art which is what individual negotiators"... "it encompasses what the team goal is, it is behavioral change" (F:TX:2:1).

The BCSM allows the negotiation team to communicate with the command staff about how the negotiation is progressing. L:FL:2:1 said, "It is a way we can articulate to each other where we are and how things are going; I can communicate with my bosses who are familiar with that." "It's that ability to accurately gauge where you are in the dialogue and feed it back to command, to say this is the progress that we are making...we are getting lots and lots of intelligence...before command says alright lets [sic] go through the door and shoot somebody" (F:INT:3:2).

The other models were said to "have been used by people to say here is a different model, apply that...but when you give people lots of different models, you confuse them" (F:INT:3:2). F:TX:3:1 said "I have heard of the other ones, but I am not as familiar...it (BCSM) is a way to know where you are at any given time."

SAFE was mentioned as a negotiation model if they had enough people while REACCT was mentioned as a model which was no longer viable "because nobody knew what it was" (L:TX:4:1). The suicide-crisis model was described as a 5-step process which discusses "building rapport, after you build your rapport, there is a precipitating event, you do your focus, then you do your plan of action." It discussed active listening and building rapport which is part of the BCSM.

**Initial/basic training.** The amount of initial training was between 40 and 80 hours. A 40 hour basic course is "certainly a baseline" (L:CA:2:1). "The thing about forty hours came out of NCNA and other places, but if you really want to make an effective program, I think eighty. Eighty hours is very, very important" (L:NV:11:1), but

L:FL:11:1 pointed out, “eighty hours of training would be fantastic but in today’s environment, good luck getting your administrators to let you go for two weeks.” Another added, “eighty hours is unrealistic in this world, at this day and time” (S:TX:11:3). They added, “minimum standards forty-hour school, optimal would be eighty hour” (L:FL:11:1).

**Recurrent training.** The ongoing training practices suggested by many SMEs was forty hours minimum a year, while others pushed for more. One SME said there should be eight to 12 hours monthly, while L:KY:4:1 suggested eight hours that “is progressive experience that starts off, suicidal subject before any hostage situation.” This shows the importance of starting with basic skills before training on more difficult ones. L:FL:11:1 pointed out, “I cannot afford to lose these guys once a month”. L:TX:2:4 said, “Forty hours of continuing education for wiretapping yearly (Texas law), but he said his team minimum is “eight hours a month at least”. F:TX:2:1 had a forty-eight hour yearly training and “you cannot be primary [negotiator] until you have those (initial training and yearly training).”

Most SMEs suggested a minimum of one training session/simulation with SWAT/command per year with many others suggesting that is not enough. L:TX:2:2 said, “We try to do quarterly,” while F:TX:2:1 said, “We do [simulations] two a year”. L:CA:2:1 suggests “a minimum of two since at the situations that end in tragedy most of those are due to breakdowns (miscommunications) between tactical and command”. L:TX:4:1 also stressed the coordination with SWAT/command “by doing three or four trainings a year... [to] balance out the negotiator’s needs and the needs of SWAT”. L:KY:4:1 suggested, “that sounds good but not everyone is going to do that. It is

unrealistic” and L:TX:3:1 said, “I was with them (team) for nine years, they probably did seven”.

**Minimum number of negotiators.** The question was posed about how negotiators were needed to successfully solve a crisis. In the email portion, one SME suggested three negotiators minimum while another suggested 13. The answers ranged from three negotiators to eight with more serious incidents calling for more. With three negotiators, one SME said, “Three people in a room in a perfect world could handle it, but it is not a perfect environment” (S:TX:11:3). Most SMEs suggested four or five team members. One SME suggested focusing on roles instead of personnel. For example, with four negotiators, L:TX:2:4 said the roles would be: “primary negotiator, secondary, intel (officer), and team leader.” Two suggested having patrol make up for one of the positions. “You may not have enough so you may have to train patrol officers...to go out and get intel and bring it back” (L:TX:2:4). L:TX:2:3 advised, “You should have a primary secondary who is a trained certified negotiator because let’s face it you can get patrolman to be a scribe, you can get patrolman to be intel, and a supervisor to be the liaison.” “It comes down what type of incidents are you prepared to write off as being unable to respond to effectively (L:CA:2:1).

**Rank important when selecting negotiators.** The last question asked in the focus groups was whether rank matters in selecting negotiators? Some SMEs said it did matter while others said it did not. F:TX:11:2 said, “If you have a capable negotiator, I don’t think rank makes that much difference.” While another said, “We had a policy no higher than sergeant (could be on the team).” (L:MO:11:1). “I agree with what they are saying but it goes back to your agency’s policy. For us if you are a lieutenant that makes

you a commanding officer. I teach at my agency if you are a lieutenant UI you are doing the wrong job. That is not their job” (L:AR:2:1). One SME pointed out it was more about personality and not rank. L:FL:11:1 said, “I had a lieutenant on my team, but he was the new guy who had the personality that I know I am a lieutenant on the street, but I am the new guy on the team and take direction from someone two ranks below you, it is that personality.” “When it comes to your ability to negotiate I don’t think it matters if you are a 3 year rookie or a 15 year veteran” (L:AR:2:1). It was stressed by a few SMEs that if a person of rank is a negotiator, they cannot have a dual role on a scene. They must either negotiate or command.

### **Survey--Research Aim #3**

**Sample description.** Tables 2 and 3 hold information about the sample of negotiators. There were 95 males, 19 females, and one other. The average age was 33. Most work for a local agency with the largest number working for a police department. Negotiators in the sample work for agencies of varying size; however, many of them worked in an agency with over a 1,000 sworn personnel. They held various ranks within their respective employers. The negotiators had 22 years in law enforcement and 13 years as a negotiator. They responded to varying numbers of incidents as negotiators with many having more than 100, and one subject reported having more than 5,000 negotiated incidents.

Negotiators were asked which negotiation model they use (BCSM, REACTT, K.I.S.S. or other), and 73 percent answered they use BCSM while six percent said they used REACTT. Fifteen percent said they use the K.I.S.S. method and other five percent said they used another model. One said their other model was “prime, ALS, problem

solve.” Another just suggested “ALS.” One suggested “integrating BCSM with REACCT,” another said, “familiarity with all techniques,” and lastly one pointed out “negotiation is an art and science.”

Negotiators were asked about how they identify themselves to the subject during a negotiation. Ninety-seven percent said they do not state their rank while, sixty-two percent said they do not tell the subject they are a negotiator, and 89 percent only use their first name while negotiating. Seventy-five percent indicated one should wear something on scene that identifies you as the negotiator. Seventy-nine percent of negotiators suggested one should separate past actions from current ones, and 91 percent said one should ask about suicidal intent. Forty-six percent said you should not draw attention to hostages or offer alternatives during a negotiation. Lastly, 97 percent indicated that rank was not important in selecting negotiators.

Table 2: Negotiator Demographics and Experience

Component	Count
<b>Sex</b>	95 males /19 females/1 other
<b>Age</b>	Mean=32.91 (range 30-80+)
<b>Agency</b>	Local=80, State=29, Federal=3, Other=3 <sup>1</sup>
<b>Type of Local Agency</b>	Police=69, Sheriff=24, Corrections=4, Joint Team=5, Multi-agency=1, Other=8 <sup>2</sup>
<b>Size of Agency (# of Sworn)</b>	1-100=8, 101-250=30, 251-500=15, 501-1000=10, 1000+=52
<b>Rank (105 total)</b>	
<b>Officer/Deputy/Agent</b>	14
<b>Corporal</b>	8
<b>Investigator/Detective</b>	23
<b>Senior Investigator</b>	9
<b>Sergeant/Supervisory Special Agent</b>	22
<b>Lieutenant</b>	19
<b>Commander/Captain</b>	5
<b>Major/Chief Inspector</b>	2
<b>Chief</b>	1
<b>Other</b>	2 <sup>3</sup>
<b>Years in Law Enforcement</b>	Mean=21.81 (SD=8.94, range 6-50)

<b>Years as Negotiator</b>	Mean=13.04 (SD=9.04, range 0-41)
<b>Number of incidents as negotiator</b>	
0-10	36
11-20	21
21-30	12
31-40	10
41-50	7
50+	30

<sup>1</sup> Local and state; ATF; State Department

<sup>2</sup> State Police; Police 30 years, 8 years Sheriff; Police, Sheriff and Troopers, F.B.I.

<sup>3</sup> Administrative review specialist, Psychological consultant

Table 3: Strategic Question Responses

<b>Negotiation Model</b>	
BCSM	73
REACCT	6
Keep it simple stupid (K.I.S.S)	15
Other	5 (Prime, ALS, Problem Solve/ALS/Integrate BCSM and REACCT/Familiar with all techniques/Art and Science of negotiation)
<b>State rank while negotiating</b>	
Yes	3
No	97
<b>Tell subject you are negotiator</b>	
Yes	38
No	62
<b>Use 1<sup>st</sup> name only when negotiating</b>	
Yes	89
No	11
<b>Wear something to ID as negotiator</b>	
Yes	75
No	25
<b>Separate past actions from current actions when negotiating</b>	
Yes	79
No	21
<b>Negotiator should ask about suicidal intent</b>	
Yes	91
No	9
<b>Negotiators should not draw attention to hostages or offer alternatives while negotiating</b>	
Yes	46
No	54
<b>Rank is important in selecting negotiators</b>	

Yes	3
No	97

\*All entries are percentages and total 100 for each question.

**Negotiator training/education.** Negotiators' responses indicate: completing a qualified, basic course (100%), 40 hours of simulation/in-person training (90%), training with SWAT (94%), and training with SWAT and IC (92%) are extremely or very important while negotiating. Responses indicate completing a qualified, basic course (80%), completing 40 hours of simulation/in-person training (61%), training with SWAT (30%) and training with SWAT and IC (21%) evaluating are practiced always or very often. There was no relationship between the importance and frequency of negotiators completing a qualified basic 40-hour course ( $p = .132$ ) and negotiators conducting training with SWAT and IC ( $p = .287$ ).

**Addition forms of training/education.** Thirty negotiators added training when asked about any other form of training/education not mentioned (e.g., training with EMT). This training fit into three categories: mental health, training with other units, and other types of training. Related to mental health, crisis intervention training (CIT) was listed two times along with mental health. Suicide and suicide prevention, training with mental health, peer support and mental health counselors (MHC) were all listed once. Other units that negotiators suggested training with: dispatch, EMS (x2), Fire (x2), patrol (x2), jail personnel, other special teams, and the bomb squad. Training with other negotiator teams was mentioned five times for a total of 14 mentions of training with other units. Lastly, other types of training mentioned were national/regional conferences, firearms/tactical/medical, monthly training (x3), and review of incidents, new academic information/educational material review.

**Negotiating incidents.** Negotiators' responses indicate conducting risk assessments (95%), using SOPs (92%), and evaluating, and modifying plans based on situation and intelligence (98%) as extremely or very important. Also, using a secure line of communication (73%), using ALS (100%), handling demands appropriately (95%), and brainstorming between contacts with subject (97%) are extremely or very important while negotiating. Their responses indicate conducting risk assessments (77%), using SOPs (91%), evaluating, and modifying plans based on situation and intelligence (91%) are practiced always or very often. Using a secure line of communication (57%), using ALS (96%), handling demands appropriately (91%), and brainstorming between contacts with subject (90%) are also practiced always or very often. There was no statistically significant relationship between the importance and frequency of the team using active listening skills ( $p = .474$ ).

The importance of the team leader being responsible for operational assignments (90%), a negotiator identifies themselves and reassures the subject he/she wants a peaceful resolution (99%), and negotiator maintains a patient and unhurried approach (98%) are extremely or very important. A negotiator building trust and rapport with subject (100%), intelligence collection should be done at central location (28%), intelligence should be disseminated to all that need it (97%), and team should make appropriate use of mental health resources (85%) are also extremely or very important while negotiating. Negotiators further indicated the importance of the team leader being responsible for operational assignments (77%), negotiator identifies themselves and reassures the subject he/she wants a peaceful resolution (95%), and a negotiator maintains a patient and unhurried approach (95%) are practiced always or very often. A

negotiator builds trust and rapport with subject (90%), intelligence collection should be done at central location (32%), intelligence should be disseminated to all that need it (83%), and team should make appropriate use of mental health resources (53%) are practiced always or very often. There was no statistically significant relationship between the importance and frequency of the negotiator building trust and rapport with the subject ( $p = .0749$ ).

**Negotiation team roles.** When negotiators were asked to rank the importance of each position with one being the most important and ten being the least important, 59% indicated the primary negotiator was the most important. Nineteen percent felt the secondary was the most important, while 16% believed the team leader was the most important. Three percent of negotiators said the intelligence officer was most important. One percent of those surveyed indicated the tactical/command liaison, equipment officer, or other (i.e., experienced negotiator) was most important.

**Selecting negotiators.** Sixty percent of negotiators believed it was extremely or very important to use a standard negotiator selection process consistent with NCNA guidelines. Being volunteers (85%), having a high-level of self-control (99%), being non-judgmental and having respect for others (98%) were rated as extremely or very important. Having operational experience or credibility (88%), being caring and compassionate (92%), empathetic (94%), mentally agile (98%), and honest/trustworthy (97%) were also rated as extremely or very important. Forty-five percent (45%) of negotiators used a standard negotiator selection process consistent with NCNA guidelines always or very often. Being volunteers (90%), having a high-level of self-control (95%), being non-judgmental and having respect for others (92%), and having operational

experience or credibility (84%) were used always or very often. Being caring and compassionate (90%), empathetic (91%), mentally agile (91%), and honest/trustworthy (92%) were used always or very often. Lastly, excellent interpersonal skills (99%), a calm and confident manner (99%), being a good listener (95%), and ability to work well with others (96%) were extremely or very important. Excellent interpersonal skills (93%), a calm and confident manner (92%), being a good listener (85%), and ability to work well with others (89%) were used always or very often.

**Primary negotiator duties.** The use of non-threatening communication (93%), ALS to de-escalate and defuse the situation (99%), the initial strategy should be to lower emotions and reduce tension (99%), and early contact with subject can serve as “verbal containment” (95%) were extremely or very important. The use of non-threatening communication (88%), the use of ALS to de-escalate and defuse the situation (94%), the initial strategy should be to lower emotions and reduce tension (94%), and early contact with subject can serve as “verbal containment” (82%) were used always or very often. Teams should employ a low-profile response for emotionally driven situations and higher profile for hostage situations (69%) and passage of time is most important tool (67%) were seen the same way. Teams should employ a low-profile response for emotionally driven situations and higher profile for hostage situations (56%) and passage of time is most important tool (69%) were used always or very often.

**Relationship with SWAT leader and Incident Command (IC).** Team Leader (TL) input should be independent, yet equal to, that of SWAT (88%), negotiation and tactical teams must develop and maintain a close understanding and working relationship to facilitate effective communication (98%), and the delivery of items, release of victims,

or surrender of subjects require close coordination between negotiation and tactical teams (99%) are extremely or very important. TL input should be independent, yet equal to, that of SWAT (88%), negotiation and tactical teams must develop and maintain a close understanding and working relationship to facilitate effective communication (96%), and the delivery of items, release of victims, or surrender of subjects require close coordination between negotiation and tactical teams (88%) were used always or very often. There was no statistically significant relationship found between the importance and frequency of negotiation and tactical teams developing and maintaining a close understanding and working relationship to facilitate effective communication ( $p = .0757$ ).

The IC is responsible for the overall management of incident (89%), IC should not act as SWAT member or negotiator (90%), IC should be familiar with and understand essential negotiation concepts and philosophies and should foster a balanced decision-making process by seeking input from CNT and SWAT (95%), and IC, SWAT, and CNT should openly discuss alternatives and seek consensus when possible (97%) were also seen as extremely or very important.

The IC is responsible for overall management of incident (82%), IC should not act as SWAT member or negotiator (71%), IC should be familiar with and understand essential negotiation concepts and philosophies and should foster a balanced decision-making process by seeking input from CNT and SWAT (56%), and IC, SWAT, and CNT should openly discuss alternatives and seek consensus when possible (67%) were also used always or very often.

**Documenting and debriefing incidents.** Agencies having written protocols for documenting incidents (77%), agencies having timely reviews of each incident (95%),

and capacity to provide incident debriefings to mitigate the emotional impact of an incident on negotiators (94%) were extremely or very important. Agencies having written protocols for documenting incidents (70%), agencies should have timely reviews of each incident (64%), and agencies should have capacity to provide incident debriefings to mitigate the emotional impact of an incident on negotiators (45%) were used always or very often.

Written policies governing the use, attendance, and procedures to be used in these incident debriefings (69%), and an emotional debrief should take place as soon as possible (83%) were seen the same way. Written policies governing the use, attendance, and procedures to be used in these incident debriefings (44%), and an emotional debrief should take place as soon as possible (46%) were seen the same way.

**New best practices list.** The author added up the “extremely important” or “very important” responses to the 49 survey questions; the sum was 4,418 which is a mean of 90.16. The standard deviation is 13.16. Using the mean and standard deviation, the author created a new best practices list. Any best practice which did not fall within one standard deviation of the mean (seventy-seven on lower end) was eliminated from the lists. No new practices were added.

The practices while negotiating that were removed from the list were “team uses a secure line of communication with the subject” and “intelligence collection and analysis should be done at a central location.” Under selecting negotiators, “negotiators should be selected using a standard practice that is consistent with guidelines set by the NCNA.” Under the practices of the primary negotiator, “teams should deploy a low-profile response for emotionally driven situations,” “the passage of time (‘buying time’) is the

most important negotiating tool”, and “telling the subject you are negotiator” were removed. Lastly under documenting/debriefing incidents, “there should be written policies governing the use, attendance, and procedures to be used in these incidents debriefings was removed. A “top ten” best practices infographic was also created using the 10 best practices rated “extremely” or “very important” by 100 and/or 99 percent of survey participants. See Appendices G and H for further details.

## V. DISCUSSION

Subject matter experts (SMEs) in the field of crisis negotiation were initially asked via email to evaluate the best practices list created by Kidd (in McMains & Mullins, 2014) and NCNA (2020) to determine what should be added and/or removed from the lists. Focus groups then answered questions which were points of debate among the SMEs during the email portion. Lastly, a survey was given to practitioners to figure out the importance of each best practice and the frequency of its use in real-world crisis negotiations. A new best practices list was created from the lists of practices which were one standard deviation from the mean of participants that felt were extremely or very important along with an infographic that included the ten best practices which ninety-nine to one hundred percent of survey participants felt were extremely or very important.

In evaluating the importance of an identified best practice and determining the frequency of their use in the real-world, the relationship between the importance of identified best practices and the frequency of their use among surveyed negotiators were statistically significant in most cases. In training/education, completing a qualified basic course and training with SWAT and command were not significant. While negotiating, the team using active-listening skills and the negotiator building trust and rapport with the subject were insignificant. Lastly, the negotiation and tactical teams developing and keeping a close understanding and working relationship were not significant.

### **Negotiation Models**

Kidd and NCNA did not address negotiation models, but they are addressed in the literature, particularly the BCSM and the REACCT model. Three of the SMEs during the initial email suggested the BSCM, while one suggested the SAFE model if they had

enough negotiators, and another suggested the KISS model. The BCSM, SAFE, REACCT models, and K.I.S.S. were discussed during the focus groups. The KISS seemed to fit in with the BCSM due to its streamlined nature. The BCSM was supported by many of the focus group SMEs while SAFE was again supported if there were enough people. REACCT was said to be no longer a viable model because it was unfamiliar to many negotiators. During the survey portion, most negotiators chose the BCSM as the model they use while fewer than 10 percent chose REACCT or another model including “prime, ALS, problem solve,” “ALS,” “integrating BCSM with REACCT,” “familiarity with all techniques,” and “negotiation is an art and science.” Although it is not a negotiation model, 15 percent of negotiators chose K.I.S.S., which could support BCSM because it is the simplest negotiation model. These percentages are consistent with Johnson, et al. (2018).

Although there was some initial discussion among SME about SAFE and REACCT being an alternative to the BCSM, it was determined that BCSM was the negotiation model by the SMEs. BCSM is the simplest model and fits not only with negotiators calling to “K.I.S.S.,” but it coincides with negotiators identifying a “model” using components of BCSM (i.e., ALS, problem solve). SAFE requires “enough” people, yet it is hard to determine how many negotiators respond to a critical incident. It is not recommended, but BCSM can be done by a single negotiator. BCSM should be the model negotiators use since it is supported by the literature and real-world practitioners.

### **While Negotiating**

Almost 80 percent of negotiators agreed that past actions should be separate from current actions when negotiating and over ninety percent said a subject should be asked

about suicidal intent. When asked about not drawing attention to hostages or offering alternatives, it was almost exactly 50/50 to do it or not.

## **Training**

The study found a consensus about the importance of initial and recurrent training including training with SWAT and SWAT and command, but there was less agreement about the number of hours and what topics should be covered. A minimum of a 40-hours of basic/initial training along with another forty hours of recurrent training should be considered a best practice. There should be a minimum of one training with SWAT and one with SWAT and command. Other training topics should be explored to ensure that a negotiator and their team is prepared for as many different situations as possible.

**Initial/basic training.** The lack of standardization in initial training of negotiations was found to be an issue by Grubb, et al (2019). Guskowski and Van Hasselt (2017) mentioned the F.B.I.'s crisis negotiation course being eighty hours while supporting the forty-hour course suggested by Kidd and the NCNA. This debate was consistent among the SMEs' emails and focus groups. Although it was thought to be important to conduct an eighty-hour initial course, it was said to be unrealistic. Surveyed negotiators were not asked about the specific number of hours an initial course should be, but they totally agreed there should be a qualified, basic course completed. It was indicated this occurred always or very often eighty percent of the time. There was much discussion yet little agreement on how much initial training a negotiator should get, but there was no disagreement about the requirement for a basic training course.

**Recurrent training.** For recurrent training, Kidd suggests four trainings a year with one being with tactical/command while the NCNA recommends forty hours. Most

experts from email and focus group agreed with the 40 hours. This was found to be extremely or very important to ninety percent of negotiators, yet this occurred always or very often approximately sixty percent of the time. McMains and Mullins (2014) prefers eight hours a month throughout the year instead of large bunches. A couple SMEs agreed with this. Most negotiators (51%) attended training more than five times, 13% attended training three to four times, 23% attended training two times, while 12% trained just one time a year (Johnson, et al. 2018). Most of the focus group SMEs suggested more than five trainings a year. Again, there was much discussion and little agreement about the amount of recurrent training held each year, but it was extremely important to most negotiators. A minimum of 40 hours training a year is a good best practice since it is legislatively mandated in Texas, and it is supported by the SMEs and practitioners.

There again was variability among the SMEs on the number of trainings that should be conducted with tactical and command. One, two, and four times per year were all suggested by the SMEs. More than 90 percent of negotiators felt there should be training with SWAT and SWAT/command, but it only occurred always or very often thirty percent of the time with SWAT and approximately twenty percent of the time with SWAT/command. This could be troublesome considering one SME in the focus groups said, “the situations that end in tragedy the most are due to breakdowns (miscommunications) between tactical and command.” There must be a push to train with SWAT and command to avoid tragedy despite these simulations requiring many resources and logistical support.

**Other training.** Other types of training or education were listed by thirty of those surveyed. These include mental health, training with other units, and others. The

lack of consistency in training is present across the spectrums (initial, recurrent, SWAT, SWAT/Command), and there should be an attempt to standardize training across these areas. There should be a push to identify additional training which will enhance a negotiator's abilities.

### **Standard Operating Procedures (SOPs)**

The study found that SOPs are imperative to crisis negotiations. There was consensus on many of the SOPs which were covered in the best practices such as brainstorming between contacts, importance of documenting and debriefing incidents, importance and frequency of use of appropriate communication equipment, getting intelligence to the people that need it, and the importance of mental health resources, but there was less consensus on how often debriefs occur, importance and frequency of intelligence collection and analysis occurring at a centralized location, and the frequency of use of mental health resources.

Kidd (in McMains & Mullins, 2014) listed SOPs in several areas, while NCNA (2020) indicated that there should be SOPs. The importance of a negotiation team working together as a team by being competent, working within SOPs, effectively communicating, including between contacts with the subject suggested by Kidd (in McMains & Mullins, 2014) and NCNA (2020) were indicated by Grubb, et al. (2019). Almost all surveyed negotiators felt it was extremely or very important to brainstorm between contacts, and most indicated it was done always or very often. Since brainstorming between contacts is supported by the literature and SMEs, and practiced by negotiators, it should be codified as a best practice.

**Debriefing and documenting incidents (SOPS).** Those SOPs also include debriefing and documenting incidents which was stressed by Grubb, et al. (2020). A SOP discussed in the focus groups was allowing a primary negotiator or anyone else to have some administrative days off to refocus after a traumatic incident. Agencies having written protocols for documenting incidents and debriefing them was listed as extremely or very important by seventy percent of the respondents. Documenting the incidents occurred always or very often seventy percent of the time; however, debriefs occurred always or very often less than half of the time. The documenting of incidents is an internal process while the debriefing of incidents often involves a mental health professional. This could be the reason why debriefs occur always or very often less than half of the time.

One of the SMEs' emails stressed SOPs for the team mission and negotiator transition, while six others emphasized surrender and other actions plans. The focus group SMEs discussed value of creating a training SOP for allotted training to ensure CNT is separate from SWAT. The discussion included buy-in from administration to get the training and possible team bonding feature of CNT being its own entity. Lastly, it was suggested that negotiations should be recorded to ensure CNT positions are known to all. The use of SOPs was extremely or very important in more than 90 percent of negotiations and always or very often used by more than ninety percent of negotiators. SOPs are clearly valuable to crisis negotiations and practiced frequently; however, this does not speak to the variability of these SOPs among negotiation teams, even among similar teams.

## **Equipment**

Kidd (in McMains & Mullins, 2014) indicated a best practice would be the appropriate use of communication equipment while NCNA (2020) lists some communication methods which Grubb, et al. (2019) notes as important as well. The emails from the SMEs just added to the list of communication methods and tools to use while negotiating. Seventy percent of negotiators indicated this was extremely or very important while sixty percent of negotiators indicated it was used always or very often. The appropriate use of communication equipment is vague, which possibly leads negotiators to feel they must use this or that piece of equipment when “a secure way to communicate with the subject” should suffice.

## **Intelligence**

Kidd (in McMains & Mullins, 2014) listed the collection and analysis of intelligence at a central location and modifying the negotiation strategy based on the changing intelligence, which was supported by Grubb, et al. (2020) and McMains and Mullins (2014). Three experts from emails supported this as well, but only approximately thirty percent of surveyed negotiators felt it was extremely or very important or indicated it occurred always or very often. However, almost all negotiators felt it extremely or very important to get the intelligence to who needs it and over ninety percent agreed it occurred always or very often.

Despite support from the literature and three of the 15 SMEs from the email group indicating intelligence collection and analysis be done at a central location and modifying the negotiation strategy based on the intelligence, this was not supported by the study. Intelligence is an important part of the negotiation process, but it is less important that the

intelligence collection and analysis occur at a central location than it is to get it to the people who need it. The discrepancy could be due to how the best practice was written with two distinct parts. Negotiators could disagree with one part (central location part) and agree with the other (modify plans due to changing intelligence). The author cannot be certain, but he believes this is a possibility considering getting intelligence to the people that need it was ranked as so important and done frequently. The intelligence would be used to support the negotiation strategy.

### **Role of mental health resources**

NCNA (2020) described the role of mental health resources while Kidd (in McMains & Mullins, 2014) just mentions making appropriate use of them. Mental health resources can be used to help devise a negotiation strategy, active listening to gather intelligence, educate and debrief on mental illness, counsel post-incident, and evaluate resources (Guszkowski & Van Hasselt, 2017). The SMEs suggested using a mental health consultant to recognize and acknowledge the subject's motives correctly and another emphasized conducting a critical incident stress management debrief as soon as possible. More than 80 percent of surveyed negotiators felt the appropriate use of mental health resources was extremely or very important yet only approximately half indicated this occurred always or very often. More than 80 percent of negotiators felt it was extremely or very important to conduct the debriefing as soon as possible while fewer than 40 percent indicated this took place always or very often. As mentioned above in the SOPs section, the lack of use of mental health resources could be due to the mental health resource not being part of the law enforcement/corrections organization. The lack of a timely debrief may be due to operational tempo, not having available mental health

resources, or the stigma often associated with emotional events involving law enforcement officers.

### **Negotiating Incidents**

The best practices listed under negotiating incidents included conducting risk assessments, handling demands appropriately, negotiator identifying as negotiator and reassuring the subject they want a peaceful resolution, maintaining a patient and unhurried approach, and building trust and rapport. These were all found extremely or very important to more than ninety percent of surveyed negotiators. Other than conducting risk assessments, the best practices were always or very often used over ninety percent of the time.

The role of the team leader was stressed and practiced by ninety percent of negotiators surveyed, but it was also listed as the third most important job while negotiating incidents.

There was also overwhelming consensus amongst all groups that a negotiator should wear something to identify themselves as a negotiator, use their first name, avoid rank, “buy time,” build trust and rapport, use non-threatening, non-judgmental communication, lower emotions and reduce tension through active listening, establish early contact to establish “verbal containment,” but only forty percent said a negotiator should tell the subject they are a negotiator.

### **Primary negotiator duties.**

There was overlap between primary negotiator duties and many of the skills/characteristics identified as important for selection. Negotiators wearing uniforms clearly identifying themselves as negotiators, the primary negotiator identify themselves

by their first name and fact they are negotiators while avoiding rank, and “buying time” were identified as important (Grubb, et al., 2019, 2020, Guszowski & Van Hasselt, 2017; Johnson, et al., 2018; Vecchi, et al., 2005).

Thirteen experts from email recommended wearing something to identify as a negotiator. One focus group SME thought this was not important since you are often not going to be in view of the subject while another pointed out this was for command and the other officers to know who you are. Three-quarters of surveyed negotiators said you should wear something to identify yourself as a negotiator.

Most supported using the first name only while others suggested using first name and agency and fact you are a negotiator or police officer. One SME from focus groups suggested not telling the subject you were a negotiator because the subject may think the police would be trying to trick them while another pointed out the subject is going to figure it out if you (a negotiator) are talking to them. Almost 90 percent of survey negotiators said to use first name only, while approximately 40 percent indicated you should tell the subject you are a negotiator.

Fourteen of the experts from the email group suggested not using rank while negotiating, which was supported by the SMEs in the focus groups. The exception would be if you were trying to slow the situation down. Almost all negotiators in the survey said not to state rank while negotiating. The importance of “buying time,” supported by the literature and Kidd (in McMains & Mullins, 2014), was found to be extremely or very important by approximately seventy percent, and seventy percent of surveyed negotiators indicated this occurred always and very often.

During the email exchange, the SMEs emphasized building trust and rapport, using non-threatening, non-judgmental communication, and lowering emotions and reducing tension through active listening skills. These were said to be extremely or very important and used always or very often by more than ninety percent of surveyed negotiators.

The best practices of early contact with the subject to serve as “verbal containment” was rated to be extremely or very important by ninety-five percent of negotiators, while seventy percent of negotiators indicated employing a low-profile response for emotionally driven situations and higher profile for hostage situations was extremely or very important. Eighty percent and 60 percent of negotiators said these practices were used always or very often.

### **Team roles.**

NCNA (2020) suggested a minimum of three negotiators respond to a critical incident. While defining team roles, they acknowledge staffing levels of negotiation teams vary widely. The experts from email identified the three negotiators as primary negotiator, secondary negotiator, and team leader. The focus group SME’s opinions also varied from three negotiators to thirteen, but most suggested four or five team members to include a primary negotiator, secondary negotiators, intel officer, and team leader. The team leader should be responsible for operating assignments, team selection, training, and equipment, participating in all aspects of the negotiation including the operational debrief and critical incident stress management (CISM) debrief, and acting as critical advisor with direct access to incident commander were suggested by two SMEs. Another expert suggested this would not be adequate, yet another SME asked about the team that only

has two members. Two others felt the advisor part should be the job of a liaison officer so the team leader can focus on negotiations. Ninety percent of negotiators surveyed felt it extremely or very important that a team leader be responsible for assignments, while almost ninety percent said this occurred always or very often.

Surveyed negotiators ranked the importance of each role (1-10) on a negotiation team. Fifty-nine percent felt the primary negotiator was the most important, while secondary/coach was the most important second position, and the team leader and intelligence officer was listed as the third most important position. The ratings should help teams determine which roles are most important based on the number of negotiators present at an incident by suggesting which roles a negotiation team should fill given the number of negotiators who respond to a critical incident.

### **Selecting Negotiators**

Both experts from the emails and focus groups stressed standardized selection as a must, but only half of negotiators indicated this was extremely or very important while this occurred always or very often less than half of the time. This may be due to each law enforcement and/or corrections organization having their own process which may not subscribe to any best practice or national standard.

It was discussed in the focus groups if rank was important when selecting negotiators. There was not a consensus on this, but it was said to depend on personality and rank. However, some SMEs said their departments had a policy against a negotiator being above a certain rank.

The best practices in selecting negotiators included being volunteers, being non-judgmental and having respect for others, having operational policing experience, being

caring and compassionate, emphatic, mentally agile, honest, and trustworthy, excellent interpersonal skills, calm and confident demeanor, a good listener, and ability to work well with others. They were rated to be extremely or very important and used always or very often approximately ninety percent of the time, which is consistent with characteristics identified by Grubb, et al. (2019) and Johnson, et al. (2018).

### **Relationship between CNT, SWAT, and Command**

There was consensus in all areas when it came to best practices related to the relationship between CNT, SWAT, and Command; however, there was not a statistically significant relationships between the importance and frequency of the negotiation and tactical team developing and maintaining and close understanding and working relationship.

The relationship between CNT, SWAT, and command was listed by Kidd (in McMains & Mullins, 2014) and NCNA (2020). The close relationship between the groups can only be facilitated by regular training (Grubb, et al. 2019). Three SMEs from email group stressed the importance of close relationship and coordination with tactical (and command). Almost all negotiators felt it was extremely or very important for CNT to have a close relationship and coordination with SWAT and command, while approximately seventy percent indicated this occurred always or very often. Two other SMEs emphasized the role of incident command (IC) in overall management and making decisions. Almost 90 percent of negotiators felt it was extremely or very important for IC to be responsible for the overall management of the incident. Eighty percent of survey respondents said this occurs always or very often.

The focus group SMEs discussed the importance of SWAT and CNT commander being the same rank while never having a dual role. Almost ninety percent of negotiators suggested it was extremely or very important for the CNT team leader to be equal to that of SWAT team leader. Seventy percent said this occurred always or very often.

The best practices of IC not acting as a negotiator or SWAT member, being familiar with negotiation concepts and philosophies, and discussing alternatives and seeking consensus when possible were extremely or very important to at least ninety percent of negotiators. Over 70 percent of surveyed negotiators indicated IC not acting as CNT or SWAT member occurred always or very often. Sixty percent of negotiators felt IC being familiar with negotiation concepts and philosophies and openly discussing alternatives and seventy percent felt seeking consensus when possible occurred always or very often.

As noted above, most of the relationships between importance and frequency of use were statistically significant; however, they were not found for the following best practices: completing a qualified basic course, negotiator training with SWAT and command, the team using active-listening skills, the negotiator building trust and rapport with the subject, and the negotiation and tactical teams must develop and maintain a close understanding and working relationship.

The fact there is not statistically significant relationship between importance and frequency for the above-mentioned best practices is disturbing for a couple different reasons. First, the initial (basic) training generates the educational foundation for negotiators. This training includes exposure to the precepts of BCSM along with many other best practices which are part of this study. The BCSM is supported by prior

literature and this study and has been identified as the negotiation model used by most negotiators. The BCSM starts with using active listening skills to develop empathy and eventually rapport. After rapport is developed, it leads to influence and ultimately behavioral change. Since behavioral change is necessary for a peaceful resolution to a critical incident, the lack of relationship between the importance and frequency of a team using active listening skills and building trust and rapport with a subject must be explored further.

Next, the lack of relationship between the importance and frequency of developing and maintaining a close understanding and working relationship is troublesome due to the amount of coordination between the negotiation and SWAT team during critical incidents. The relationship has been identified as critical since the break down could have dire consequences. The author has witnessed first-hand how a negotiation can become tense when the relationship breaks down. The author's negotiation team had a subject on the brink of surrender when the SWAT team deployed a flashbang in the front yard. The negotiator lost credibility with the subject because they were telling the subject one thing while the subject was seeing another. Our team fell back a couple steps on the behavioral staircase but were able to recover and have the subject peacefully surrender. The incident commander (IC) can play an integral role in this coordination by ensuring that both CNT and SWAT know what the other side is planning and ensuring these goals stay in sync. One of the ways the incident commander can ensure they know what both sides are thinking is doing is by training together with the teams. Training together is suggested by the literature as important to developing and maintaining a close working relationship and hopefully avoiding situations like these.

## VI. CONCLUSIONS AND FUTURE DIRECTIONS

### Conclusions

Since its inception over 50 years ago, the field of crisis negotiations has continued to evolve (Johnson, et al., 2018). Part of the evolution has been best practices to guide crisis negotiations. The two best practices lists were never evaluated with any scientific rigor except for certain skills and characteristics valuable in crisis negotiators and negotiations. See Grubb, et al. (2019) and Johnson, et al. (2018) for examples. This study used a mixed method approach to examine these practices. Most of the best practices were supported by other experts and practitioners and often used in crisis negotiations. The data was used to create a list of best practices within one standard deviation of the mean.

A statistically significant relationship between the importance of and frequency of the best practices was found in all but a few of the practices. When there is a disconnect between the stated importance of a best practice and the frequency of its use, it may be cause for alarm. In the case of this study's findings, the author believes it is troublesome that active listening and building rapport combine to make up two of the five steps of BCSM which is the most supported model in crisis negotiation. It is also worrisome for the crisis negotiation team and SWAT relationship because in the, the coordination between CNT and SWAT must be impeccable or the potential for the loss of life increases.

The discrepancies create the first opportunity for future study: why is there not a correlation between these items. Another opportunity could be evaluating the perceptions of these practices in negotiations considering they have not been quantitatively linked to

successful crisis negotiations; they could also be used to identify and select successful police officer and inform their training (Grubb, et al., 2019). Lastly, the study supplies a resource for academics and practitioners looking for one resource which combines the most current research in the field crisis negotiation best practices.

### **Limitations**

The present research is not without limitations. It is clearly limited by the selected questions and voluntary participation. The data involves several academic studies where some method(s) of academic rigor were applied; however, the starting point of this study is two anecdotal best practices lists. The first list (Kidd's in McMains & Mullins, 2014) is based on a single negotiator's experience and the second one is based on recommended negotiation guidelines and policies from the NCNA (2020). Despite the individual and collective experience that contributed to these lists, there has yet to be a systematic study of the relative importance of the components found within the Kidd (in McMains & Mullins, 2014) and NCNA (2020) lists of best practices. There could also be other best practices not published in these two lists and other people who may wish to participate were not aware of the study.

The selection of the subject matter experts and survey sample is biased since all of them were associated with Dr. Mullins and the Texas State University Crisis Negotiation Competition. This created an overlapping sample within the email, focus groups, and survey. The samples of each of these groups was relatively small and additionally consisted mostly of American males.

There were data issues related to survey distribution which was hindered by COVID-19. Initially, the author was going to attend a few hostage/crisis negotiation association

conferences in different states to distribute the survey, but they were all cancelled. This survey response is typically better in person versus online. Due to the pandemic, survey distribution was limited to negotiators who either participated in the annual Texas State University Hostage Negotiation Competition and/or were members of a state HCN association.

## APPENDIX SECTION

### APPENDIX A: Kidd's Best Practices from McMains & Mullins, 2014

1. Organizational issues: negotiators are part of an organized and trained crisis management team that is recognized and supported by their agency.
2. Negotiators are selected using a standard process that is available to department personnel and that is consistent with guidelines set by the National Council of Negotiator Associations (NCNA).
3. Policies are in place that cover the team's mission.
4. All team members have successfully completed a basic negotiations course.
5. The majority of team members attend update training outside the department.
6. All negotiators attend in-house training four times a year and one training is a joint exercise with tactical and command.
7. The agency has a written call-out procedure.
8. The agency is able to deploy at least one negotiator to the scene within one hour, and a full team within 90 minutes.
9. The negotiating team is able to utilize the appropriate communication equipment for the incident.
10. Clear guidelines are in place and understood covering face-to-face communications.
11. The CNT has a protocol for employment of "up front" negotiators who are to facilitate the transition from officers to the primary negotiator.

12. Negotiators are trained in interviewing skills that will allow them to gather information about person, place, and incident intelligence that can be used to plan the negotiating approach.
13. Intelligence collection and analysis is done at a central location.
14. Intelligence is disseminated from the central point to all elements that need it.
15. CNT will continue to evaluate and modify plans on the basis of the changing situation and intelligence.
16. Primary negotiator will identify himself to the subject and reassure him that the goal is to work toward a peaceful resolution.
17. The primary maintained a patient and unhurried approach.
18. The primary built trust and rapport utilizing the appropriate nonjudgmental, nonthreatening, sincere, and concerned attitude.
19. CNT used appropriate active listening skills to defuse emotions, encourage to ventilate, draw the subject out.
20. The primary used active listening.
21. The negotiator handled demands appropriately.
22. The CNT worked effectively as a team, showed competence, communicated effectively, stayed within accepted guidelines, brainstormed between contacts.
23. All CNT are training in selection, scripting, and monitoring third-party intermediaries.
24. CNT maintains effective communications with tactical.
25. CNT maintains effective communications with command.
26. The team made appropriate use of mental health resources.

27. The agency has an established surrender procedure worked out by CNT leaders and tactical commander and all team members are trained on it.
28. The agency has the capacity to provide post-incident debriefing to mitigate the emotional impact of an incident on negotiators and has written policies governing the use, attendance, and procedures to be used during such as debriefing.
29. The agency has a written protocol for written documentation of incidents.

## APPENDIX B: NCNA Recommended Negotiation Guidelines and Policies

### 1. Guiding Principles

- A. The Goal of the Negotiation Process is to save lives and resolve crisis and/or critical incidents while attempting to avoid unnecessary risks to officers, citizens, victims, and subjects.
- B. The application of Crisis Negotiation skills has consistently proven to be law enforcement's most risk effective method to achieve the desired outcomes in crisis and/or critical incidents. Some examples may include but are not limited to:
  - 1. Hostage incidents
  - 2. Suicidal subjects
  - 3. Barricaded subjects
  - 4. Active assailants
  - 5. Civil unrest events
  - 6. Terrorist incidents
  - 7. High risk warrant services

### 2. Resolution Determination

- A. The methods by which any crisis and/or critical incident is resolved in ultimately determined by the subject's behavior.
- B. However, standards of acceptability require law enforcement/correctional agencies undertake all reasonable efforts to obtain a nonviolent resolution.

- C. Negotiation defusing skills represent law enforcement/correction's most successful tool (80.5% resolved without injury per F.B.I.'s Hostage and Barricade Database System [here in referred to as HOBAS] (October 2018)

**3. Crisis Negotiation: The Preferred Strategy**

- A. Generally, tactical resolution should be reserved for those instances in which the subject appears likely to engage in further violence despite negotiation efforts.
- B. Due to the inherent danger to all parties in using force, it should be used only when it is necessary, risk effective, and acceptable.

**4. Negotiation Capability**

- A. All law enforcement/correctional agencies should maintain a negotiation capability.
  - 1. Smaller departments may require a mutual aid resource to call upon in crisis incidents.
- B. Any department large enough to have a tactical team should have a negotiation team.
- C. As will tactical teams (SWAT), negotiations are best undertaken in a team context.
- D. Law enforcement/correctional agencies should identify and train a sufficient team of personnel in nationally recognized negotiation skills.
  - 1. Negotiators should be required to maintain their skill levels through recurrent individual and team training.

2. As with SWAT, the negotiation team should be provided sufficient equipment and technical support to carry out their duties. Basic CNT equipment may include:
  - a. Throw phone capable of being introduced into a barricaded area
  - b. Cellular device capable of voice, data, text, and video
  - c. Public address system
  - d. An internet capable device with the ability to run social media applications.

## **5. Public Confidence and Liability**

- A. Society demands law enforcement/correctional agencies have a professional capability to resolve crisis incidents in the most risk effective manner (negotiations).
- B. Civil liability is most likely to present a problem to any agency that cannot demonstrate it has access to trained negotiators, policies, procedures, and equipment for responding to crisis incidents.

## **6. Negotiation Team Composition**

- A. The staffing level for a negotiation team varies greatly from one department to another based on perceived or demonstrated need.
- B. It is recommended a minimum of three trained negotiators respond to any crisis incident.

Roles which these responders may fill include but are not limited to:

1. Primary negotiator
2. Secondary/Negotiation coach

3. Team leader
  4. Intelligence
  5. Scribe
  6. Situation boards
  7. Tactical liaison
  8. Technical equipment officer
  9. Mental health professional
- C. More complex or difficult incidents may require additional trained negotiators working in shifts and filling a variety of team functions.

## **7. Mental Health Assistance**

- A. Negotiation teams should consider establishing a consultative relationship with a mental health professional(s).
- B. To be an asset, selected mental health professionals should:
1. Serve as a team advisor, not as a negotiator
  2. Participate in negotiation team training
  3. Respond to team call outs as requested
  4. Focus on behavioral assessment of subject
  5. Assist in team debriefings after a critical incident

## **8. Selecting Negotiation Team Members**

- A. Nationally, selection standards vary widely; however, consideration should be given in identifying individuals with the following skills/characteristics:
1. A volunteer
  2. High level of self-control

3. Ability to remain calm under stress
4. Excellent interpersonal communication skills
5. Calm and confident demeanor
6. Good listener and interviewer
7. Works well in a team concept

## **9. Required Initial Training for Negotiators**

- A. It is recommended individuals selected to become negotiators receive training which includes:
  1. A minimum of 40 hours in a qualified course.
  2. Training should include basic concepts and techniques, abnormal psychology, intelligence gathering, assessment, crisis/suicide intervention, active listening skills, case studies, meaningful role-playing drills, and an incident management overview

## **10. Recurrent Negotiation Training**

- A. As with all critical law enforcement/correctional skills, such as firearms, negotiators should periodically receive updated training and practice in order to maintain proficiency.
- B. It is recommended negotiators annually attend a minimum of 40 hours of training in order to stay proficient.
- C. Attending regional or national conferences, learning from case study presentations, and conducting joint training with tactical teams and other nearby negotiation teams is highly desirable.

## **11. Negotiation Team Organization**

- A. It is recommended that each agency organize its negotiation team with the following in mind:
  - 1. Identify a team leader responsible for operational assignments, team selection, training, and equipment maintenance.
  - 2. Develop a written policy for responding to crisis incidents and have a standard operating procedure (SOP)
  - 3. Institute standard procedures for establishing and running a functional negotiation operations center (NOC).

## **12. Negotiation Team Role in the Command Structure**

- A. Regardless of the incident response system used, the negotiation team leader should be seen as a critical advisor and have direct access to the Incident Commander during an operation.
- B. For a balanced decision making, the negotiation team's input should be independent of, yet equal to, that of the tactical team.
  - 1. This should be the case even if the negotiation team is administratively assigned as a sub-unit of the tactical team.

## **13. Command Considerations**

- A. Past incidents have clearly demonstrated that due to their responsibilities for overall management of the incident, the OIC should refrain from functioning as a negotiator. (Commanders Don't Negotiate and Negotiators Don't Command)

- B. Universally accepted negotiation procedures allow a negotiator to delay and “buy time” by indicating final decisions rest above him/her. The OIC cannot do that.

#### **14. Negotiation Considerations and Recommended Approaches**

- A. 97% of all law enforcement/correctional incidents are emotionally driven with the subjects having no clear goal (HOBAS, October 2018)
  - 1. Experience suggests the subjects are in a “Crisis State.”
  - 2. The subject may not be able to cope with recent life stressors or significant loss (job, relationship, self-esteem, etc.).
- B. Non-threatening, non-judgmental communication to include active listening skills should be used with the goal of de-escalating and defusing the incident.
- C. In most cases, the initial strategy should be to lower emotions and reduce the tension at the scene.
- D. Early contact between the subject and the negotiation team can serve as “verbal containment”.
  - 1. Helps to reduce tension and minimize misunderstanding
  - 2. Should be considered, even if the tactical team has not yet arrived on scene.
- E. Perceived law enforcement/correctional encroachment may be counterproductive to establishing and maintaining meaningful dialogue. Despite peaceful intent, police actions will often be viewed as threatening by the subject and can promote further resistance.

1. When practical and risk effective, agencies should employ a low-profile response scheme for emotionally driven situations (97% HOBAS October 2018).
  2. Traditional hostage incidents (3.16% HOBAS October 2018) may benefit from a higher profile response scheme (contrast risks of resistance versus benefits of surrender)
- F. Beware of the “Bunker Mentality”
1. A majority of subjects encountered will be barricaded in a place of residence (78.9% HOBAS October 2018).
  2. This is likely to evoke a strong defensive posture and resistance.
  3. Tends to make the subject hyper vigilant and hypersensitive to perceived aggression.
- G. Subjects will typically want police to “go away.”
- H. Incidents are typically unplanned and seeming irrational (71.49% HOBAS October 2018).
- I. Law enforcement/correctional investment in time tends to pay great dividends:
1. 62.24% of all incidents are resolved in 4 hours or less (HOBAS October 2018)
  2. 91.4% of all incidents are resolved in 9 hours or less (HOBAS October 2018)
- J. The passage of time (buying time) is typically the most important tool of the negotiation team by serving to:

1. Allow for the arrival of personnel and equipment
  2. Facilitate the gathering of intelligence
  3. Provide escape opportunities for victims
  4. Assist in tactical intervention planning
  5. Help lower tension and built rapport
  6. Promote more rational thinking by the subject
- K. The costs of patiently managing the crisis incidents are significantly less than the cost associated with defending/settling a pending lawsuit.

**15. Associated Risks and Outcomes**

- A. Violence is most likely to happen at the beginning of an incident or at the end if tactical intervention is required.
1. Officers, victims, and subjects face the biggest risk during a tactical intervention.
- B. In 81.55% of incidents involving victims, a tactical rescue was not used (HOBAS October 2018).
- C. 97.66% of the incidents there is no loss of life (HOBAS October 2018)**16.**

**Tactical Coordination**

- A. It is imperative the negotiation and tactical teams develop and maintain a close understanding and cooperative working relationship.
1. Significant problems can be avoided if these teams understand each other's methods and sufficiently train together.
- B. The delivery of items, release of victims, or surrender of subjects in the crisis site and forward deployment of negotiators require close coordination

between negotiation and tactical teams. Joint training between the tactical and negotiation elements should reinforce this coordination.

#### **17. Relationship with Command**

- A. It is important for on scene commanders to be familiar with and understand negotiation concepts and philosophies.
- B. Commanders should foster a balanced decision-making process, seeking input from and simultaneously meeting with both the negotiation and tactical team leaders.
- C. The “Command Triad” should openly discuss alternatives and seek consensus whenever possible.

#### **18. Media Relations**

- A. The Public Information Officer (PIO) should establish a media briefing area.
- B. The Media should be routinely briefed and their cooperation sought.
- C. Only the PIO and OIC should make press statements.
  - 1. The PIO and OIC should avoid exposing/identifying tactics and/or tactical and negotiation personnel.
  - 2. Media statements during an incident should be reviewed by the negotiation team prior to release.
  - 3. Media statements may be utilized as a valuable negotiation tool.

#### **19. Post Incident Debrief and Review**

- A. It is recommended agencies conduct timely reviews of each incident to:
  - 1. Identify problem areas and solutions
  - 2. Identify positive actions for future replication

- B. Address misunderstandings and correct misperceptions to minimize negative influences on all personnel.

**20. Critical Incident Stress Management**

- A. If the incident warrants, a critical stress intervention should take place as soon as possible for all personnel
- B. Continuous support may be provided by the agency as necessary.

**21. Additional Guidance**

- A. The NCNA's Recommended Negotiation Guidelines and Policies are not intended to be all encompassing or address all aspects of negotiation team operations.
- B. Each agency should have a written SOP addressing their specific issues and concerns in accordance with their mission and responsibilities.
- C. Policies for many issues (i.e. the use of listening devices) may be dictated by state or local laws.

APPENDIX C: IRB APPROVAL



*The rising STAR of Texas*

In future correspondence please refer to 6809

November 6, 2019

Duwayne Poorboy  
Texas State University  
601 University Drive  
San Marcos, TX 78666

Dear Duwayne:

Your IRB application titled "Best Practices for Crisis Negotiations" was reviewed and approved by the Texas State University IRB. It has been determined that risks to subjects are: (1) minimized and reasonable; and that (2) research procedures are consistent with a sound research design and do not expose the subjects to unnecessary risk. Reviewers determined that: (1) benefits to subjects are considered along with the importance of the topic and that outcomes are reasonable; (2) selection of subjects is equitable; and (3) the purposes of the research and the research setting is amenable to subjects' welfare and producing desired outcomes; that indications of coercion or prejudice are absent, and that participation is clearly voluntary.

1. In addition, the IRB found that you need to orient participants as follows: (1) informed consent is required; (2) Provision is made for collecting, using and storing data in a manner that protects the safety and privacy of the subjects and the confidentiality of the data; (3) Appropriate safeguards are included to protect the rights and welfare of the subjects. (4) Compensation is not provided for participation.

**This project is therefore approved at the Exempt Review Level  
Category 2 Surveys, Interviews, or Public observation**

2. Please note that the institution is not responsible for any actions regarding this protocol before approval. If you expand the project at a later date to use other instruments, please re-apply. Copies of your request for human subjects review, your application, and this approval, are maintained in the Office of Research Integrity and Compliance.

**Report any changes to this approved protocol to this office. All unanticipated events and adverse events are to be reported to the IRB within 3 days.**

Sincerely,

Monica Gonzales  
IRB Specialist  
Office of Research Integrity and Compliance

CC: Dr. Wayman Mullins  
Adam Vaughan  
Howard Williams

OFFICE OF THE ASSOCIATE VICE PRESIDENT FOR RESEARCH

601 University Drive | JCK #489 | San Marcos, Texas 78666-4616

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*This letter is an electronic communication from Texas State University-San Marcos, a member of The Texas State University System.*

## APPENDIX D: Best Practices lists sent to SMEs

### 1. What are the “best practices” while negotiating?

#### These have been identified in the literature:

1. Behavioral change stairway
2. REACCT model
3. Other model?
4. State your rank and fact that you are negotiator?
5. First name only?
6. Wear something identifying you as a negotiator?
7. Use cheat sheet to know what to say?
8. Use active listening?
9. Handle demands?
10. Appear calm
11. Remain emotionally stable
12. Be relaxed but firm
13. Control vocal tone and body language
14. Express empathy
15. Show sincere concern for well-being
16. De-escalate
17. Improve communication and treat subject with respect
18. Recognize subject's motive
19. Be non-judgmental and honest without making assumptions
20. Keep separate from the ‘police look’ and behaviors
21. Use names
22. Sympathy

#### What would you add or take away from this list?

### 2. What are the most important negotiator traits?

#### These have been identified in the literature:

1. Effective listener
2. Caring/compassionate
3. Patient
4. Calm
5. Stable
6. Mentally agile
7. Flexible
8. Adaptable
9. Quick thinker
10. Trustworthy
11. Determined and focused
12. Intuitive
13. Emotionally stable
14. Honest

15. Team player
16. Resilient
17. Good conversationalist with strong rhetorical skills
18. Empathetic
19. Effective communicator
20. Genuine with concern for other's well-being
21. Compassionate and sympathetic
22. Good at joint problem-solving
23. Non-judgmental,
24. Respect for others
25. Operational policing experience/credibility

**What would you add or take away from this list?**

### **3. What are the “best practices” for the training of negotiators?**

**These have been identified in the literature:**

1. Basic 40-hour course
2. 40 hours of training a year
3. Training outside the department,
4. Training 4 times a year,
5. 1 joint training with tactical and command.

**What would you add or take away from this list?**

### **4. Which equipment is important in crisis negotiations?**

**These have been identified in the literature:**

1. Throw phone,
2. PA system
3. Cellular device capable of voice, data, text, video, and internet access to run social media applications.

**What would you add or take away from this list?**

### **5. What standard operating procedures (SOPs) are important in crisis negotiations?**

**These have been identified in the literature:**

1. SOPs for team mission and running NOC
2. Protocol for CNT take over from officers
3. CNT evaluate and modify plans
4. Work as team
5. Establish surrender plans
6. Intelligence collection and analysis is done at a central location
7. Written protocols to document incidents
8. Conduct critical incident stress management (CISM) as soon as possible,
9. Debrief after incident

**What would you add or take away from this list?**

**6. What are the “best practices” related to team roles in crisis negotiations?**

**These have been identified in the literature:**

1. Minimum 3 negotiators to scene
2. Negotiations team include: primary negotiator, secondary or coach, team leader, intelligence, scribe, situation boards, tactical liaison, technical equipment officer, mental health professional; maintain relationship with mental health professionals.

**What would you add or take away from this list?**

**7. What is the role of the team leader?**

**These have been identified in the literature:**

1. Responsible for operational assignments, team selection, training and equipment
2. Act as a critical adviser and have direct access to the Incident Commander.

**What would you add or take away from this list?**

**8. What are the “best practices” for the primary negotiator?**

**These have been identified in the literature:**

1. Identify himself/herself to the subject and reassure him
2. Maintain patient and unhurried approach;
3. Build trust and rapport
4. Non-threatening, nonjudgmental communication
5. Lower emotions and reduce tension
6. Establish verbal containment
7. Employ a low-profile response scheme for emotionally driven situations and a higher profile response for tradition hostage incidents.

**What would you add or take away from this list?**

**9. What are the “best practices” for selecting negotiators?**

**These have been identified in the literature:**

1. Use standard selection process
2. Rank important?

**What would you add or take away from this list?**

**10. What are the “best practices” in SWAT/Incident Command (IC) relationship?**

**These have been identified in the literature:**

1. Independent of, yet equal to, that of the tactical team
2. Maintain close relationship with tactical
3. Close coordinate with tactical
4. Incident commanders (IC) are responsible for overall management of the incident
5. As IC, don't act as SWAT or CNT; (IC, SWAT, and CNT) should openly discuss alternatives and seek consensus

**What would you add or take away from this list?**

## APPENDIX E: SMEs' Additions to Best Practices Lists

### **Best practices while negotiating**

1. Separate current actions from past actions
2. Ability to be creative or to improvise (adaptability)
3. Use of conflict resolutions skills
4. Self-reflection-ability to determine what your biases are and how to overcome them
5. Ability to switch to tactical negotiator (move subject to window for SWAT)
6. Ethical
7. Willingness to express opinions to team members and leadership but willing to accept orders even in he/she disagrees
8. Brief team and make assignments
9. Identify actor ASAP, identify and gather intelligence about incident, subject, hostages, etc.
10. Do initial assessment of incident, including risk, nature of incident, negotiability, relationship of people being held, and cognitive, mental, or developmental deficits.
11. Try to negotiate on the phone
12. Establish contact early to focus on actor, but have plan A & B before contact
13. Attitude = be honest, respectful, and patient
14. Ask subject to come out and talk, but do not push it
15. Ask about suicide intent

16. Do not set self-initiate timeline do not accept deadlines from actor, instead talk through by explaining how complicated demands are
17. Say “no” in a brief, informative, friendly but firm way, but never say “never”
18. Avoid escalating the situation
19. Do not draw attention to hostages
20. Do not offer alternatives
21. Be careful with third-party intermediaries (TPIs)
22. Keep log of incident including demands and promises
23. Post relevant intelligence on boards.
24. Develop tactics to defuse the situation, influence the HT, and reduce risk of life
25. Develop elements of opening that defines purpose, process and pay-offs for actor and CNT. Prepare primary and secondary for this
26. Define appropriate attitude and process for monitoring primary’s projections of respect, caring, and patience during incident
27. Process for assuring negotiators are meeting actor’s needs, building trust and rapport
28. Process for tracking risk level
29. Brainstorm after each call to see if progress is being made or tactics need to change
30. Determine ways to monitor and manage negotiator’s stress-breaks, time outs, deep breathing exercises.

**Negotiator traits**

31. Modesty

32. Altruistic (opposite of egotistic, self-centered)
33. Volunteer
34. “Believer” in negotiation process

#### **Negotiator training**

35. Work on suicide or crisis hotlines throughout year
36. Callout and experiential training
37. Invite command staff to attend any training
38. Critique of one’s own primary negotiations
39. Role playing exercises
40. Critique every training exercise and call out, focusing on things done well and things needing improvement to structure continuing training throughout year, be honest
41. Document training, including lesson plans and evaluations of every team member on specific training goals
42. Repeat training until all team members shows competence in training goals.
43. Consider the micro-skills training model-define skill, model skill, present lecture on skill, practice skill in role playing, provide feedback on performance, discuss wider applications of skills, repeat process until competence in demonstrated.

#### **Negotiator equipment**

44. Recording device (digital or tape),
45. Batteries
46. Mobile NOC so can be separate from command and everyone else
47. Whiteboard, camera to record changes, sticky notes and such

48. Tactical gear available-helmet, heavy body armor/shield
49. Audio recording capability for all negotiations, including face to face
50. Headsets for primary and secondary with additional sets as needed for commander, psychologist, etc.
51. Situation board, dry erase board
52. Body armor including heavy vest for negotiator(s) on hailing team
53. Computer (minimum 1) for logs, intelligence gathering on internet
54. If possible, a mobile command vehicle
55. Cellular response console (CRC), video throw phone
56. Basic office equipment (pens, pencils, notebook, clipboards, file folders, sticky notes for passing notes during incidents, dry erase or flip-chart. Masking tape and appropriate markers for intelligence boards.
57. Personal items like weather appropriate clothing, medications, vest, weapons
58. Maintain equipment

### **Standard Operating Procedures (SOPs)**

59. Use of mental health professionals during negotiations
60. Policy about working relationship between CNT and Command and CNT and SWAT, High-risk warrant service= two CNT members
61. Response to jumpers
62. Team organizations
63. Incorporate NCNA guidelines
64. Procedures for use of psychologist
65. Selection of negotiators

66. Initial and subsequent training of negotiators and team
67. Procedures for interaction with IC
68. Procedures of interactions with SWAT
69. Negotiation position papers (use to provide timely updates to executive management on the status, assessment, and recommendations of CNT)
70. Elements/process for assessing risks of violence (initial and ongoing)
71. Defining type of siege and determining if it is negotiable or how to make it so
72. Determine short and long-term logistical needs
73. Determine if people are being held hostage or targets (potential victims)
74. Define critical tasks and assign them according to importance

#### **Team Roles**

75. Minimum 4 negotiators, training coordinator
76. Tactical liaison
77. Command liaison
78. Cross training to fill any one of the team roles except mental health professional
79. Minimum of 3 negotiations to support SWAT operation, but deploy whole team if  
barricade

#### **Team leader role**

80. Acts as mediator/negotiator between IC and NOC
81. Assign team member as training coordinator
82. Supervision of all members and training
83. Support and buffer for primary and coach

84. Makes decisions on direction of negotiations based on intelligence, in conjunction with input from team members
85. Directs actions of team members during operational phase of incident
86. Organizes and leads the CNT operational debrief
87. Orders participation in CISD when appropriate
88. Supervises development, completion, and review of post-incident reports
89. Responsible for team discipline, including retraining and recommendations for removal of team members for cause
90. Monitoring (or awareness) of negotiation team member stressors and emotional well-being (in general, but especially during a negotiation)
91. Crisis negotiation coordinator as advisor with direct access to the IC. The TL stays with the team during negotiation to assign positions, ensure everyone is doing their job, conduct discussions during down time, assess risk level, provide negotiation position papers, etc.

**Primary negotiator**

92. Be empathetic
93. Understand and use active listening skills when appropriate
94. Communicate/practice/discuss options with coach/secondary
95. Able to objectively make recommendations or report progress/decline in rapport
96. Employ communication techniques appropriate to the situations within the guidelines of training and policy
97. Divert subject's attention from tactical actions by tactical team if requested

98. Develops verbal tactics with actor that facilitates collaborative problem-solving, establishes trust and rapport, diffuses emotions, gathers intelligence, and facilitates a dignified surrender

**Negotiator selection**

99. Does applicant mesh with team and does team accept applicant

100. Personality tests comparing with experienced and successful negotiators

101. Interview board with scenarios

102. Probationary period

103. Use of natural practical skills, by observing during a training or mock scenario

104. Announcement of openings, including minimum requirements

105. Develop selection board comprised of team leadership and selected team members

106. Develop behavioral interview process with same questions asked of each candidate

107. Board members evaluate the candidate responses to questions (scores)

108. Review personnel records for indicators of suitability/unsuitability for team

109. Scores from board are compiled and provided to team commander

110. Team commander selects the new team member(s) from among the top scores of the board (usually 1 of the top 3 scores unless unsuitability issues are indicated) for recommendation to chief executive of the agency who will make appointments

- 111. Oral board
- 112. Overview of special demographics: race, age, bilingual
- 113. Team benefits from mixture of people
- 114. Ability to listen during conversation
- 115. Anyone who is interested should detail their background and why they want to join the team. This is only way to be considered.

**SWAT/IC relationship**

- 116. Practice working and training together, especially decision-making
- 117. Tactical commander, team leader in charge at scene, assistant team leader in operations, answer to TL, assistant team leader in negotiations answer to TL
- 118. Have knowledge of basic negotiation skills for better understanding of CNT recommendations
- 119. IC organizes and provides resources needed by SWAT and CNT to safely resolve incident
- 120. IC provides logistical support for SWAT, CNT, and support personnel
- 121. IC approves location of IC and communicates this clearly to SWAT and CNT
- 122. IC identifies PIO and location of periodic press briefings and communicates the location for these briefings with SWAT and CNT
- 123. If required by SOP, IC organizes and runs joint tactical and CNT debriefings

124. IC makes decision for the end of negotiation and commencement of tactical action, including what actions by the subject would commence tactical actions without IC orders
125. Circulate case studies once a month to get everyone to think through issues and get familiar with one another before critical incidents.

## APPENDIX F: Survey Questions

**For each of the statements in the training and education section, negotiators were asked to rate the importance (1-Extremely important, 2-Very important, 3-Moderately important, 4-Slightly important, 5-Not important) and how often (1- Never, 2-Rarely, 3-Sometimes, 4-Very often, 5-Always) they are practiced.**

1. Negotiators should complete a qualified basic, 40-hour course.
2. Negotiators should complete 40-hours of simulation/in-person training.
3. Negotiators should conduct training with SWAT.
4. Negotiators should conduct training with SWAT and Incident Command (IC).
5. Any other form of training/education no mentioned (e.g. training with EMT).

**For each of the statements in the negotiating incidents section, negotiators were asked to rate the importance (1-Extremely important, 2-Very important, 3-Moderately important, 4-Slightly important, 5-Not important) and how often (1- Never, 2-Rarely, 3-Sometimes, 4-Very often, 5-Always) they are practiced.**

6. The team conducts risk assessments.
7. The team uses standard operating procedures (SOPs).
8. The team evaluates and modifies plans based on situation and intel.
9. The team uses a secure line of communication with the subject (e.g. throw phone).
10. The team uses active listening skills.
11. The team handles demands appropriately.
12. The team brainstorms between contact with the subject.
13. The team leader is responsible for operational assignments.

14. The negotiator identifies themselves and reassures the subject he/she wants a peaceful resolution.
15. The negotiator maintains a patient and unhurried approach.
16. The negotiator builds trust and rapport with the subject.
17. Intelligence collection and analysis should NOT be done at a central location.
18. The team should disseminate intelligence to all that need it.
19. The team should make appropriate use of mental health resources.
20. **Rank the importance of each position (focus on roles) with 1 being most important, 2-next most important, and 10 being least important. Please drag and drop each statement to your desired ranking.**

- \_\_\_\_\_ Primary negotiator
- \_\_\_\_\_ Team leader
- \_\_\_\_\_ Secondary negotiator
- \_\_\_\_\_ Intel officer
- \_\_\_\_\_ Scribe
- \_\_\_\_\_ Situation Boards
- \_\_\_\_\_ Tactical/Command Liaison
- \_\_\_\_\_ Equipment officer
- \_\_\_\_\_ Mental health officer
- \_\_\_\_\_ Other

**For each of the statements in the selecting team members section, negotiators were asked to rate the importance (1-Extremely important, 2-Very important, 3-**

**Moderately important, 4-Slightly important, 5-Not important) and how often (1- Never, 2-Rarely, 3-Sometimes, 4-Very often, 5-Always) they are practiced.**

21. Negotiators should be selected using a standard process that is consistent with guidelines set by NCNA.
22. Team members should be volunteers
23. Members should have high-level of self-control.
24. Members should be non-judgmental and have respect for others.
25. Members should have operational policing experience.
26. Members should be caring and compassionate.
27. Members should be empathetic.
28. Members should be mentally agile.
29. Members should be honest and trustworthy.
30. Members should have excellent interpersonal skills.
31. Members should have calm and confident demeanor.
32. Members should NOT be good listeners.
33. Members should work well with others.

**For each of the statements in the primary negotiator section, negotiators were asked to rate the importance (1-Extremely important, 2-Very important, 3-Moderately important, 4-Slightly important, 5-Not important) and how often (1-Never, 2-Rarely, 3-Sometimes, 4-Very often, 5-Always) they are practiced.**

34. Non-threatening (judgmental) communication should be used.
35. Active listening should be used de-escalate and defuse the situation.
36. The initial strategy should be to lower emotions and reduce tension.

37. Early contact between subject and team can serve as “verbal” containment.
38. Teams should deploy a low-profile response for emotionally driven situations and higher profile for hostage incidents.
39. The passage of time (“buying time”) is the most important negotiating tool.

**For each of the statements in the Team leader/SWAT Commander/Incident commander responsibilities, negotiators were asked to rate the importance (1-Extremely important, 2-Very important, 3-Moderately important, 4-Slightly important, 5-Not important) and how often (1-Never, 2-Rarely, 3-Sometimes, 4-Very often, 5-Always) they are practiced.**

40. TL should be independent, yet equal to, that of SWAT
41. Negotiation and tactical teams must develop and maintain a close understanding and working relationship to facilitate effective communication.
42. The delivery of items, release of victims, or surrender of subjects require close coordination between negotiation and tactical teams.
43. IC is responsible for the overall management of incident.
44. IC should not as SWAT member or negotiator.
45. IC must be familiar with and understand essential negotiation concepts and philosophies and should foster a balanced decision-making process by seeking input from negotiation and tactical teams.
46. IC, SWAT, and CNT should openly discuss alternatives and seek consensus when possible.
47. Agencies should NOT have written protocols for documenting incidents.
48. Agencies should have timely reviews of each incident.

49. Agencies should have capacity to provide incident debriefings to mitigate the emotional impact of an incident on negotiators.
50. There should be written policies governing the use, attendance, and procedures to be used in these incident debriefings.
51. This emotional debrief should take place as soon as possible.

**Answer each of these questions.**

52. What model should be used in negotiations?
- 1) Behavioral staircase
  - 2) REACCT
  - 3) KISS (Keep it simple stupid)
  - 4) Other \_\_\_\_\_
53. Negotiators should state their rank while talking to the subject.
- 1) Yes
  - 2) No
54. Negotiators should state they are negotiator to the subject.
- 1) Yes
  - 2) No
55. Negotiators should use their first name only when negotiating.
- 1) Yes
  - 2) No
56. Negotiator should wear something that identifies them as negotiator while on scene.
- 1) Yes
  - 2) No

57. Negotiators should separate current actions from past actions during negotiations.

1) Yes

2) No

58. Negotiators should NOT ask about suicidal intent during negotiations.

1) Yes

2) No

59. Negotiators should not draw attention to hostages or offer alternatives during negotiations.

1) Yes

2) No

60. Rank is important in selecting a negotiator

1) Yes

2) No

61. GENDER

1) Male

2) Female

3) Other

62. AGE (Pick) 18-80+

63. AGENCY

1) Local

2) State

3) Federal

4) Military

5) Other \_\_\_\_\_

64. TYPE OF LOCAL AGENCY

1) Police

2) Sheriff

3) Corrections

4) Joint team (i.e. police/sheriff)

5) Multi-agency (regional)

6) Other \_\_\_\_\_

65. SIZE OF AGENCY (# OF SWORN)

1) 1-100

2) 101-250

3) 251-500

4) 501-1000

5) 1000+

66. RANK

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67. YEARS AS OFFICER/DEPUTY/AGENT

0 5 10 15 20 25 30 35 40 45 50 55

YEARS AS



OFFICER/DEPUTY/AGENT ()

68. YEARS AS A NEGOTIATOR

0 5 10 15 20 25 30 35 40 45 50

YEARS AS NEGOTIATOR ()



69. NUMBER OF NEGOTIATED INCIDENTS

- 1) 0-10
- 2) 11-20
- 3) 21-30
- 4) 31-40
- 5) 41-50
- 6) 50+ (indicate

number) \_\_\_\_\_

70. IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD ABOUT YOUR PERCEPTION OF CRISIS NEGOTIATIONS?

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APPENDIX G: New Best Practices List

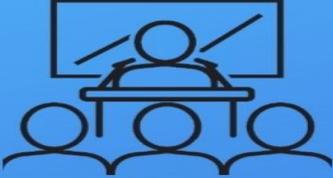
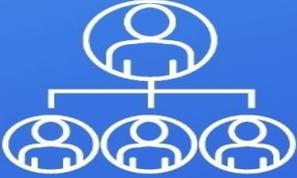
<b>Best Practice</b>	<b>%</b>
<b><u>Training/Education</u></b>	<b>94</b>
1. Negotiators should complete a qualified, basic course	100
2. Negotiators should complete 40-hours of simulation/in-person training	90
3. Negotiators should conduct training with SWAT	94
4. Negotiators should conduct training with SWAT and IC	92
<b><u>Negotiating Incidents</u></b>	<b>94</b>
5. Conduct risk assessments	95
6. Use Standard Operating Procedures (SOPs)	92
7. Evaluate and modify plans	98
8. Use active listening skills (ALS)	100
9. Handle demands appropriately	95
10. Brainstorm between contacts	97
11. Team leader responsible for team assignments	90
12. Negotiator identifies themselves and reassures subject they want peaceful resolution	99
13. Maintain a patient and unhurried approach	98
14. Build trust and rapport	100
15. Disseminate intelligence to all that need it	97
16. Make appropriate use of mental health resources	85

<b><u>Selecting negotiators</u></b>	<b>95</b>
17. Be volunteers	85
18. High-level of self-control	99
19. Be non-judgmental and have respect for others	98
20. Operational policing experience	88
21. Caring and compassionate	92
22. Empathetic	94
23. Mentally agile	98
24. Honest and trustworthy	97
25. Excellent interpersonal skills	99
26. Calm and confident demeanor	99
27. Good listener	95
28. Works well with others	96
29. Rank is not important with selecting negotiators	97
<b><u>Primary negotiator duties</u></b>	<b>91</b>
30. Use non-threatening communication	93
31. Use ALS to de-escalate and defuse the situation	99
32. The initial strategy should be to lower emotions and reduce tension	99
33. Early contact with subject can serve as “verbal” containment	95
34. Do not use rank while negotiating with subject	97
35. Use first name only when negotiating	89
36. Ask about suicidal intent	91
37. Separate past actions from current actions when negotiating	79

<b><u>Team leader, SWAT leader, Incident Command (IC) Relationships</u></b>	<b>94</b>
38. TL should be independent, yet equal to, that of SWAT	88
39. Negotiation and tactical teams must develop and maintain a close understanding and working relationship to facilitate effective communication	98
40. The delivery of items, release of victims, or surrender of subjects require close coordination between negotiation and tactical teams	99
41. IC is responsible for overall management of the incident	89
42. IC should not act as SWAT member or negotiator	90
43. IC should be familiar with and understand essential negotiation concepts and philosophies and should foster a balanced decision-making process by seeking input from CNT and SWAT	95
44. IC, SWAT, and CNT should openly discuss alternatives and seek consensus when possible	97
<b><u>Documenting and debriefing incidents</u></b>	<b>87</b>
45. Agencies should have protocols for documenting incidents	77
46. Agencies should have timely reviews of incidents	95
47. Agencies should have capacity to provide incident debriefings to mitigate the emotional impact of an incidents on negotiators	94
48. This emotional debrief should take place as soon as possible	83

## "TOP 10" HOSTAGE/CRISIS NEGOTIATION BEST PRACTICES

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**TRAINING/EDUCATION**

1. COMPLETE A QUALIFIED, BASIC COURSE

**NEGOTIATING INCIDENTS**

2. USE ACTIVE LISTENING SKILLS (ALS)
3. BUILD TRUST AND RAPPORT
4. IDENTIFY ONESELF AND REASSURE SUBJECT YOU WANT A PEACEFUL RESOLUTION.

**SELECTING NEGOTIATORS**

5. HIGH LEVEL OF SELF-CONTROL
6. EXCELLENT INTERPERSONAL SKILLS
7. CALM/CONFIDENT DEMEANOR

**PRIMARY NEGOTIATOR DUTIES**

8. USE ALS TO DE-ESCALATE/DEFUSE SITUATION
9. INITIAL STRATEGY SHOULD BE TO LOWER EMOTIONS AND REDUCE TENSION

**CNT/SWAT/IC RELATIONSHIP**

10. THE DELIVERY OF ITEMS, RELEASE OF VICTIMS, OR SURRENDER OR SUBJECTS REQUIRE CLOSE COORDINATION BETWEEN NEGOTIATION AND TACTICAL TEAMS

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\* BASED ON 99/100% OF SURVEYED NEGOTIATORS SAYING PRACTICE WAS EXTREMELY OR VERY IMPORTANT.

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