
Crisis Negotiations in the Law Enforcement Context

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Summary

Law enforcement negotiation is one of the only times when a law enforcement officer interacts with an offender during the commission of a crime and, as such, can influence the outcome of the situation in favor of law enforcement. All other interactions between offenders take place after the commission of the crime or during undercover operations when the law enforcement officer is hiding his or her identity. Law enforcement crisis negotiation (LECN) provides techniques, tactics, and procedures for seamlessly dealing with difficult, dangerous, and disordered persons to obtain voluntary compliance through the application of verbal influence-based skill sets. LECN is a method by which to deal with perceived threats to a subject's emotional, psychological, or physical well-being during intense conflict or crisis situations. Understanding critical incidents and the mindset of a subject is critical to determining the proper communication strategies and tactics. At the heart of the process is understanding and assessing instrumental and expressive behavior in order to apply tactical negotiation or crisis intervention. A key skill set to being effective in negotiating with difficult, dangerous, and disordered persons is to build credibility through the application of the Behavioral Influence Stairway Model (BISM) in the effective application of active listening skills, empathy, rapport-trust, and influence to persuade behavioral change on the part of the subject.

Keywords: crisis negotiation, hostage negotiator, crisis analysis, crisis intervention, conflict resolution, Behavioral Influence Stairway Model, active listening, empathy, rapport, trust

Introduction

Law Enforcement Crisis Negotiation (LECN) takes place as part of a larger crisis resolution triad (see Figure 1) that includes the Command Post (CP), Tactical Operations Center (TOC), and Negotiation Operations Center (NOC) (Dalfonzo & Flood, 2002). It is akin to a football team, where the CP is the coach, the TOC is the offensive line, and the NOC is the defensive line.

Crisis Resolution Triad

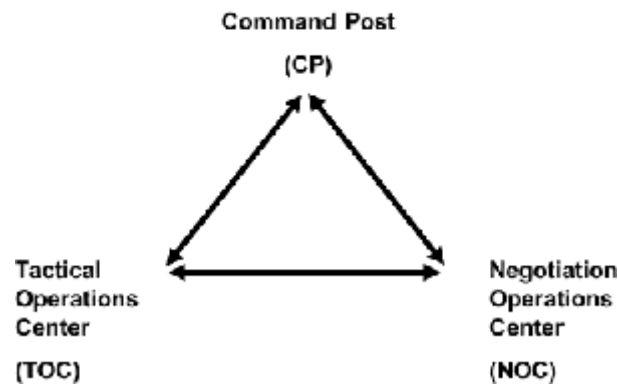


Figure 1. Crisis Resolution Triad.

The CP makes all decisions regarding the management of the incident with input from the TOC and NOC (Dalfonzo & Flood, 2002). The TOC serves as the “eyes” of the CP and the NOC serves as the “ears and mouth” of the CP. The TOC is comprised of the Tactical Team Commander and tactical unit, which includes subteams of snipers and assaulters (Dalfonzo & Flood, 2002; Vecchi, 2019). The NOC is made up primarily of the Crisis Negotiation Coordinator, Team Leader, Primary Negotiator, Secondary Negotiator or Coach, and Situation Board Operator. Within this triadic structure, communication is very disciplined (Dalfonzo & Flood, 2002). For example, only the Tactical Team Commander and Crisis Negotiation Coordinator can officially talk with the Incident Commander regarding the situation. Likewise, the Incident Commander only speaks to the Tactical Team Commander and Crisis Negotiation Coordinator, who relay their respective team’s relevant viewpoints and positions to the Incident Commander. Even within the NOC, only the Primary Negotiator speaks to the offender and only the Secondary Negotiator speaks to the Primary Negotiator (Dalfonzo & Flood, 2002). This arrangement allows the Primary Negotiator the ability to focus on only two people (offender and Secondary Negotiator) rather than risk being distracted or getting mixed messages from a multitude of people who are trying to assist. This approach to command structure and communication discipline developed out of the lessons learned from the 1992 Ruby Ridge and 1993 Waco incidents where each entity was under a different commander, had never trained together, and strong, tactically inclined personalities made the decision to end both incidents tactically before even arriving at the scene, thus all but negating the negotiation strategy (Vecchi, 2002, 2006). This change has led to deconflicting both structural and interactional conflict that is inherent between the tactical operators and negotiators by co-locating them in garrison, increasing joint training and exercises, maintaining incident commander consistency, and ensuring that the Tactical Team Commander and Crisis Negotiation Coordinator are of the same rank (Vecchi, 2006).

Critical Incidents

A critical incident refers to any significant event that negatively disrupts the functions of everyday living and which requires the attention and expertise of those who are specially trained to handle these events (Vecchi, 2009d). Some examples of critical incidents include barricaded hostage-takings, barricaded crisis situations, kidnappings, suicide, domestic violence, workplace violence, and campus/school violence.

Critical incidents are handled in three stages: (a) response; (b) management; and (c) resolution (Vecchi, 2009d). Response designates actions that are planned or taken to stabilize the onset of a critical incident and precedes management and resolution (Vecchi, 2009d). Examples of response actions include setting up safe perimeters and access controls to the crisis site; establishing command and control facilities (e.g., CP, TOC, NOC, joint operations centers, etc.); running communication networks; and medical rescue and evacuation operations. Management operations immediately follow response and include those actions used to deal with the critical incident while it is ongoing. Management actions include information control, media relations, human and material resource management, negotiation, and facilitation (Vecchi, 2009d). Resolution signifies the actions taken to end the critical incident, such as evacuation, influenced surrender by negotiation, or tactical operations (Vecchi, 2009d).

Compliance Continuum

When a law enforcement officer encounters a difficult, dangerous, or disordered person who is not cooperative, compliance must be obtained in furtherance of the officer's duty to enforce the law (Vecchi, 2019) (see Figure 2). Compliance can be voluntary or involuntary, depending on the behavior of the subject. Generally, law enforcement officers strive to obtain voluntary compliance through verbal means (negotiation, crisis intervention, etc.) (Vecchi, 2019). If the subject continues to refuse to cooperate, the officer must obtain involuntary compliance through physical means (defensive tactics or less-than-lethal means such as pepper spray, baton, or taser) and possibly deadly force (Vecchi, 2019). These options are known simply as talk-fight-shoot (Vecchi, 2019). For example, an officer stops a subject for DUI (driving under the influence) and asks the subject to exit his vehicle (talk), which he refuses to do. The officer asks the uncooperative subject three more times to exit the vehicle to no avail, so the officer must finally use defensive tactics (fight) to force the subject to comply and effect the arrest. If the subject were to pull a gun on the officer, then the officer would be justified in using deadly force (shoot). It should be noted that the officer always has the option and is encouraged to reverse the escalation of compliance measures if the subject cooperates (drops gun on command, stops fighting, etc.).

Compliance Continuum



Figure 2. Compliance Continuum.

In larger incidents such as barricaded situations involving hostages, the same approach is used, albeit in a more complicated fashion. For example, as the CP, TOC, and NOC are established around the crisis site, the tactical operators initiate physical containment (perimeter) while the negotiators employ verbal containment by continually trying to talk with the subject. In these situations, the negotiators are responsible for the “talk” option and the tactical team is responsible for the “fight” and “shoot” options. As the incident progresses, the behavior of the subject and other situational considerations dictate whether the situation is resolved through negotiation or tactical intervention, which is dictated by the Incident Commander with input from the Tactical Team Commander and Crisis Negotiation Coordinator (Vecchi, 2006, 2019).

Active killer situations present a unique challenge, as there is usually little opportunity to negotiate because the threat is not contained and is causing imminent loss of life. In these cases, the need to physically control and contain the subject is the priority; however, once contained negotiation is applied when appropriate (Goergen, 2018; Greenstone, 2005; King, McDonald, Howard, Bradshaw, & Johnson, 2016; Lanceley, 2003; McMains & Mullins, 2015; Roberts, 2000; Slatkin, 2005; Vecchi, 2019; Vecchi, Wong, Wong, & Markey, 2019).

Voluntary Compliance

LECN falls within the realm of voluntary compliance within the Compliance Continuum (Vecchi, 2006, 2019). The most common types of voluntary compliance measures are negotiation and mediation techniques (McMains & Mullins, 2015; Thompson & Jenkins, 2013). Negotiation is used directly between the conflicting parties—for example, between the law enforcement negotiator and the suspect in barricade and suicide situations. Mediation is used indirectly between the conflicting parties, as in the case of a law enforcement officer assisting a couple during a domestic violence situation or coaching a family member on what to say during a kidnapping situation. Previously, LECN has been described as either hostage or crisis negotiation, the former intended for instrumental or intense conflict situations and the latter for expressive or crisis situations (Cooper, 2004; Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Noesner, 2010; Patterson, Grenny, McMillan, & Switzler, 2012; Slatkin, 2005; Strentz, 2013, 2018; Vecchi, 2009b, 2009c, 2019; Vecchi, Van Hasselt, & Romano, 2005; Voss, 2016).

Intense Conflict and Crisis Situations

In the context of critical incidents, there are differences between intense conflict and crisis situations and the processes used to deal with each. Intense conflict situations are characterized by parties who are rational, are goal-directed, produce substantive demands, and need to work with an outside party (law enforcement, negotiators, mediators, etc.) in order to meet their needs (Fisher, Ury, & Patton, 1991; McMains & Mullins, 2015; Noesner, 2010; Slatkin, 2005; Strentz, 2013, 2018; Vecchi, 2009b, 2009c, 2019; Vecchi et al., 2005; Voss, 2016). Examples of intense conflict situations include hostage-taking, kidnapping, prison takeovers, and political terrorism. Conversely, crisis situations are characterized by parties who are irrational, have no clear goals, produce non-substantive demands (Dalfonzo, 2002;

Dalfonzo & Flood, 2002), and are resistant to efforts by others to resolve the situation. Examples of crisis situations include suicidal individuals, people with mental illness and personality disorders, and grievance-based situations.

Considerable differences exist between hostage and non-hostage situations (Dalfonzo, 2002; Dalfonzo & Flood, 2002; Noesner, 2010; Vecchi, 2019; Voss, 2016). Although both involve the taking of a captive, they are very different with regard to motivation and mindset. *Hostage situations* involve taking a person captive for “instrumental” or tangible reasons; the suspect needs the police or other authorities to meet specific demands (e.g., ransom, transportation, and money) (Vecchi, 2009e). Hostage situations can be viewed as a triadic relationship between the hostage-taker, hostage, and third party (law enforcement negotiator), where the hostage-taker needs the negotiator to meet his or her demands and uses the hostage as the “bargaining chip” (see Figure 3).

Hostage Situations (Triadic Relationship)

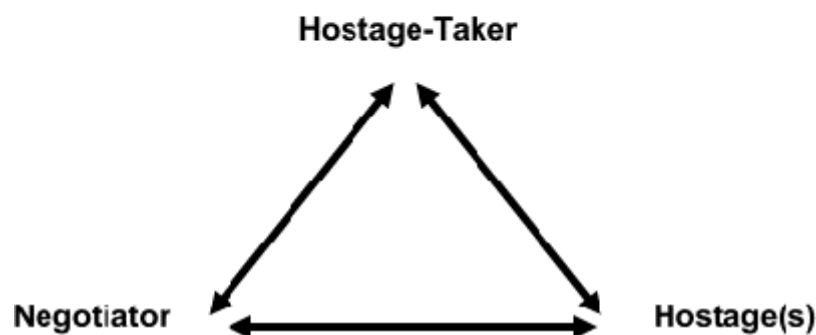


Figure 3. Hostage situations—triadic relationship.

In these events, the captive is used as leverage to obtain other substantive goals. For example, foreign nationals holding a correctional officer captive in exchange for the release of political prisoners, money, and transportation would constitute an actual hostage situation. The Russian hostage situation that occurred in September 2004, involving the holding of children by Chechnya terrorists in exchange for releasing political prisoners, is an example of a situation where tactical negotiation techniques would be best applied (CNN, 2018). During this incident, Islamic militants occupied School Number One in Beslan, Russia, taking 1,100 hostages. The purpose of the school takeover was to force the Russian government to recognize the independence of Chechnya and for Russian withdrawal from Chechnya (CNN, 2018). On the third day of the standoff, Russian security forces stormed the school, resulting in the death of 334 people, including 186 children (CNN, 2018).

In non-hostage or crisis situations involving a captive, a person is held against his will for “expressive” or intangible reasons (Vecchi, 2009e). Non-hostage situations can be viewed as a dyadic relationship exclusively between the subject and the victim (see Figure 4).

Crisis Situations

(Dyadic Relationship)



Figure 4. Crisis Situations—Dyadic Relationship.

Unlike hostage situations, the subject does not want the police or other authorities around. In these situations, the captive is held by a subject who is in a highly emotional state (e.g., anger, jealousy, and frustration), usually as a victim or “homicide-to-be” (Dalfonzo, 2002; Dalfonzo & Flood, 2002). Examples of these scenarios could be holding one’s spouse captive as a result of an extramarital affair, rejection, or an impending separation or divorce. In crisis situations not involving a captive, a person holes up for “expressive” or intangible reasons; again, he or she does not need or want the authorities (Vecchi, 2019). In these situations, the person is often depressed or suicidal because of a real or perceived loss and the inability to cope with that loss (Noesner, 2010; Vecchi et al., 2005; Voss, 2016). Examples of these scenarios could be loss of employment or finances and rejection from peers or loved ones. In crisis (captive and non-captive) situations, crisis intervention techniques would be best applied.

Communication Approaches

Understanding conflict behavior illustrates how this process works and provides a map that operationalizes the process. Conflict can be defined and described as the perceived blocking of important goals, needs, or interests of one person or group by another person or group (Vecchi, 2019; Wilmot & Hocker, 1998). When people experience conflict, they perceive that important needs are being blocked, which can cause them to experience intense conflict. Intense conflict is primarily instrumental and can be resolved through tactical negotiation (bargaining, principled negotiation, etc.). Once the intense conflict is perceived to be unresolvable by the person experiencing it, it becomes a crisis. Crisis situations are primarily expressive and can be resolved through crisis intervention.

People communicate to satisfy needs, whether they are substantive or expressive. Wilmot and Hocker (1998) categorize needs as falling into one of four general categories: (a) content, (b) relational, (c) identity, and (d) process. Content needs are substantive, such as food, money, or transportation. An example of a content need-related conflict situation would be a person who robbed a bank to obtain money to pay his debts. Relational needs have to do with the way people treat each other; if someone feels disrespected, controlled, or patronized then this need would be infringed upon (Vecchi, 2019). An example of a relational need-related conflict situation would be a boyfriend who described his sexual conquests with a girl who he embarrassed in front of his friends. Identity needs include feelings of security, saving face, and recognition (Vecchi, 2009b, 2019; Wilmot & Hocker, 1998). For example, an identity need-related conflict situation would be the impact on a person who did not get credit for her efforts on an important project. Process needs relate to the structure or forum of the dialogue

—formal versus informal or public versus private (Vecchi, 2019). An example of a process need-related conflict situation would be a wife who wanted to divorce through mediation and her husband insisting on a court hearing.

People communicate on two levels: facts (instrumental) and emotion (expressive) (Vecchi, 2009b, 2019). These levels vary depending on the degree of intense conflict or crisis a person is experiencing. The person may experience instrumental or expressive conflict with one or more of the needs described, that is, content, relational, identity, or process needs (Vecchi, 2019; Wilmot & Hocker, 1998). For example, leaving a job (content need) or being forced to engage in mediation prior to being allowed a court hearing (process need) may be perceived as an intense conflict (instrumental) situation, whereas being served with divorce papers (relational need) or being humiliated (identity need) may be perceived as a crisis (expressive) situation.

Although intense conflict and crisis situations can have both instrumental and expressive elements, it is the focus that distinguishes between them (Vecchi, 2019). In intense conflict situations, such as hostage-taking or high-stakes mediation, the focus is on substantive or content needs, such as trading hostages for money or obtaining custody of children (Vecchi, 2009a; Voss, 2016). Intense conflict situations are rational and require problem resolution approaches (Dattilio & Freeman, 2000; Patterson et al., 2012). Conversely, in crisis situations, such as barricade and suicide situations, the focus is on expressive or identity needs, such as venting emotions, saving face, or being recognized (AFSP, 2019; Dalfonzo, 1998; Wilmot & Hocker, 1998). In addition, crisis situations have the additional element of the person in crisis having exceeded his or her ability to cope. Crisis situations are irrational and require crisis intervention approaches (Caplan, 1961; Carkhuff & Berenson, 1977; Greenstone & Leviton, 2002; Hendricks & Byers, 2002; James & Gilliland, 2001; Strentz, 2018; Vecchi, 2009a; Wiger & Harowski, 2003).

Intense conflict situations require tactical negotiation techniques and crisis situations require crisis intervention techniques (Vecchi, 2019). This distinction is determined based on the behavior of the subject (Dalfonzo & Flood, 2002). If the subject displays seemingly rational behavior, then it is best to use problem resolution or tactical negotiation techniques (bargaining, principled negotiation, etc.) (Alison & Alison, 2017; Cooper, 2004; Fisher et al., 1991; Malhotra, 2016; Patterson et al., 2012); whereas if the subject displays seemingly irrational behavior, then it would be best to use crisis intervention techniques (active listening, tactical empathy, etc.) (Greenstone & Leviton, 2002, 2005; Hendricks & Byers, 2002; James & Gilliland, 2001; Voss 2016; Wiger & Harowski, 2003). Although, academically, it is a clean distinction, it is much harder to put into practice as human behavior is very difficult to predict and even harder to control. For example, some cultures define rational behavior as being highly emotional and animated. To those not indoctrinated, it would seem the person was being irrational and in crisis, when in fact they are being rational. Likewise, some cultures may not place an emphasis on emotion, which could be viewed as being rational even though the person is in crisis and has exceeded their ability to cope (Vecchi, 2019). In both examples, if the negotiator applies the wrong strategy and tactics, the situation will only get worse and possibly result in violence. This is precisely why tactical negotiation and crisis intervention are more of an art than a science and requires both study and practice to be effective (Van Hasselt, Romano, & Vecchi, 2008).

Tactical Negotiation

Intense conflict situations such as hostage negotiation, kidnapping, and high stakes mediation require a content-focused, problem resolution approach, which gives each party in the negotiation ownership in its outcome (Fisher et al., 1991; Malhotra, 2016; Mullins, 2002). Tactical negotiation is one of the most effective ways to deal with intense conflict situations because it attends to specific, substantive needs by taking an instrumental-focused approach to negotiation (Dattilio & Freeman, 2000; Patterson et al., 2012; Vecchi, 2009c, 2019).

These situations are rational and substantive and involve the perception that action is required to obtain the stated goals, needs, or interests (Alison & Alison, 2017; Fisher et al., 1991; Vecchi, 2019; Wilmot & Hocker, 1998). In hostage-taking and kidnapping situations, this action manifests itself as the taking of people against their will and threatening their lives in order to leverage specific action or obtain something tangible from someone else (the authorities in barricaded hostage situations or the family in kidnapping situations) (Vecchi, 2009e). Actions may include the release of political prisoners, transportation, escape, or ransom. In other words, there is an understanding that there is something for trade. In this context, the hostage-taker is the seller, the negotiator is the buyer, and the hostage is the capital used by the hostage-taker in exchange for a desired outcome.

Historically, the most successful negotiators are those who can best understand the other party's needs and desires and are capable of developing and operating the means to take advantage of them (Mullins, 2002; Voss, 2016; Wilmot & Hocker, 1998). In these situations, the best deals are those that provide the highest measure of perceived satisfaction to both parties (Alison & Alison, 2017; Cooper, 2004; Fisher et al., 1991; Mullins, 2002; Wilmot & Hocker, 1998). In most cases, the negotiator is faced with demands that cannot be met (releasing political prisoners, changing foreign policy, escape, promise of no prosecution, etc.). Because of the high stakes involved, the negotiator cannot simply walk away or immediately reply that the terms are impossible but must find an alternative that will appeal to the hostage-taker and secure the safe release of the hostage(s). In these situations, "no" just means "not now." This is where the process of selling begins, where the negotiator persuades the hostage-taker to release the hostage for a much more realistic price than previously demanded (Cooper, 2004). For example, an initial demand of "\$1 million dollars and a helicopter" can be reframed as "you want money and transportation," which can be further reduced to exchanging a hostage for a pizza as time goes by and priorities change from wanting money and transportation to needing food (Dalfonzo & Flood, 2002; Vecchi, 2009a, 2019; Vecchi et al., 2005). The process of establishing negotiator credibility is crucial; the hostage-taker must perceive that the negotiator is trustworthy and acting in good faith or simply "trying" (Ireland & Vecchi, 2009; Vecchi, 2009b). Reducing expectations is a critical component of negotiation. The fact that the negotiator must run everything by the "command staff" enforces this developing relationship and buys time, which tends to reduce expectations on the part of the hostage-taker (Dalfonzo & Flood, 2002; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005). Cooper (2004) summed up this process:

Hostage-taking is a defensive action. The hostage-taker must be sold on the idea that with each passing moment, his precious merchandise is becoming less and less valuable, that his power and the protection the hostage affords him is ebbing away. He must not be forced into desperate action but gently persuaded to see, sensibly, the realities of his position and the advantages in any bargain that might be offered to him. (p. 102)

Simply stated, a good negotiator will create the illusion that there is no better deal possible and that what is currently on the table is the best deal under the circumstances.

Positional Bargaining vs. Principled Negotiation

For intense conflict situations, rational, problem resolution negotiation works best in most situations (Alison & Alison, 2017; Fisher et al., 1991; Vecchi, 2019). Positional bargaining is a common approach to negotiation where the negotiator and subject hold onto a fixed idea or position of what they want and argue for it and it alone. In these situations, the focus is on the position rather than the interests (Fisher et al., 1991; Mullins, 2002; Spangler, 2003). For example, a negotiator may expect that once the subject surrenders, the subject will go to jail or prison, and the subject may believe that as well. If the subject refuses to surrender because he does not want to go to jail or prison, then there is a perceived conflict of positions. This becomes problematic because as the negotiation continues, both the negotiator and the subject become more and more committed to their positions, continually defending them. This strong commitment to defending a position usually leads to a lack of attention to the underlying interests of both the negotiator and the subject, resulting in negative feelings on the part of the subject toward the negotiator (Fisher et al., 1991; Spangler, 2003).

The problems with positional bargaining rest within the distinction and relationship between issues and interests (Spangler, 2003). Issues are universal and shared between each party in a conflict, whereas interests are specific to each party (Spangler, 2003). In the above example, it is implied that the subject will go to jail or prison upon surrendering; however, if the negotiator reframes the problem and allows the subject an opportunity to be checked out by a physician (implying that the subject may be sent to a rehabilitation center rather than jail or prison), it makes it easier for the negotiator to persuade the subject to surrender. This reframing is an example of principled negotiation (Fisher et al., 1991; Mullins, 2002; Rollnick & Miller, 1995).

Principled negotiation is a problem resolution-based approach that advocates four fundamental principles to negotiation: (a) separating the people from the problem; (b) focusing on interests, not positions; (c) inventing options for mutual gain; and (d) insisting on objective criteria (Alison & Alison, 2017; Fisher et al., 1991; Vecchi, 2019).

Separating the person from the problem means being able to engage the subject in a dignified manner without judging or labeling the person in a negative manner (Alison & Alison, 2017; Fisher et al., 1991). This allows the negotiator to focus on the problems and resulting behavior of the subject without making the subject feel that he or she is a bad person. If, in the

previous example, the subject was a child molester, the negotiator would certainly discuss the actions of the crime while still acknowledging that the subject is admirable in other areas of his life, such as his career.

Negotiating interests means negotiating what people really want and need (Fisher et al., 1991). People tend to take extreme positions designed to counter their opponents' positions. If asked why they are taking those positions, they often realize that their underlying reasons (their true interests and needs) are compatible and not mutually exclusive, as previously believed. In the previous example, the positions of both the negotiator and the subject are focused on jail; however, this situation can be reframed by creating the shared agreement that both the negotiator and subject desire to end the situation quickly and safely. The negotiator's interest is simply to apprehend the subject and get the subject into the criminal justice system for treatment and/or punishment. Whether the subject goes to jail, prison, or a rehabilitation center is not a concern for the negotiator and therefore is not an interest. Contrarily, the subject, who cannot deal with the thought of going to jail or prison makes that his primary interest at this point in the negotiation. Given an understanding of the actual interests of the negotiator and the subject makes the concept of rehabilitation something that both could agree upon. By focusing on interests, the negotiator can more easily fulfill the third principle—inventing options for mutual gain. This means negotiators should look for new solutions to the problem that will allow both sides to win, not just fight over their original positions, which assume that for one side to win, the other side must lose (Fisher et al., 1991).

Inventing or creating options for mutual gain is a process whereby the negotiator engages the subject to explore all available options to resolve the situation in a way that works for both the negotiator and subject. In the previous example, exploring all the possible options can make the thought of rehabilitation acceptable to the subject over the other options of prison or surrender by force.

Insisting on objective criteria assists in the decision-making process by limiting the range of options. While not always available, if some outside, objective criteria for fairness can be found, this can greatly simplify the negotiation process, that is, getting the subject to acknowledge that the negotiator cannot leave until the situation is resolved while emphasizing that dealing with the negotiator is safer than dealing with the tactical team. This gives both sides more guidance as to what is “fair” and makes it hard to oppose offers within this range. Negotiators also need to know what alternatives are available, as prematurely accepting or rejecting an agreement may be worse than the one that might have otherwise been achieved if other alternatives had been explored (Fisher et al., 1991).

Crisis State

A crisis is a situation where a person perceives insurmountable obstacles to important life needs that cannot be handled effectively through customary methods of problem-solving. McMains and Lanceley (2003) provide a comprehensive definition of crisis: “A crisis generally involves a hazardous threat to instinctual need, a symbolic reminder of an earlier threat to the same needs, and the potential failure of the person's ability to cope with the threat” (p. 5).

A crisis state has the following general characteristics: (a) the subject behaves at an intense emotional and irrational level (rather than at a rational/thinking level) in response to a situation that is perceived as overwhelming; (b) the situation has usually occurred within the past 24 to 48 hours; and (c) the event is perceived as a threat to one’s psychological, emotional, and/or physical well-being (Rogan, 1997; Vecchi et al., 2005).

A crisis is the result of a conflict gone awry. Caplan (1961) and Carkhuff and Berenson (1977) described a crisis as that which a person perceives as presenting insurmountable obstacles to achieving desired goals or outcomes. Greenstone and Leviton (2002) and James and Gilliland (2001) further stated that in a crisis, there is the sense that these impediments cannot be managed through the usual problem-solving methods.

Crisis situations differ significantly from intense conflict situations in terms of both definition and response. As previously stated, intense conflict situations are characterized by instrumental behavior that is essentially rational and directed at a problem. Conversely, crisis situations are characterized by expressive behavior that is irrational from the standpoint that emotions are driving behavior, rather than reason (Noesner, 2010; Rogan, 1997). When a person is in an instrumental mindset, he or she is controlling their behavior through cognitive processes. When a person is in crisis, emotions drive their behavior rather than their cognitive processes, which are overcome by expressive behavior (Rogan, 1997). The Teeter-Totter (FBI, 2002) illustrates this concept (Figures 5 and 6). Moreover, the person in crisis oftentimes perceives a loss or fears the loss of something of value (a need) and the blame for that loss is usually placed on a person, group, or organization. Common perceptions relating to the loss are feelings of grievance and injustice, rejection from significant others, loss of employment, a decline in health status, financial reversal, or loss of freedom (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). Two or more losses within a short period of time (often referred to by police crisis negotiators as a “double whammy”) are often the “final straw” or antecedent that sends a person into crisis (McMains & Mullins, 2015).

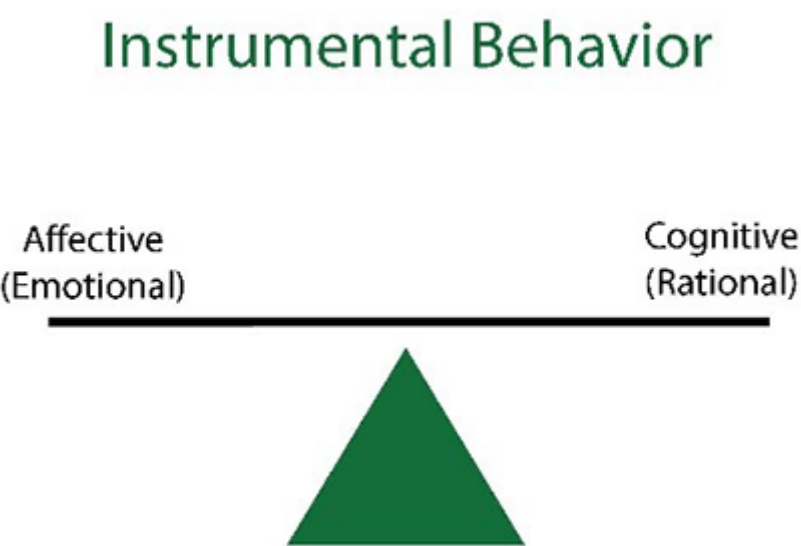


Figure 5. Instrumental behavior.

Expressive Behavior

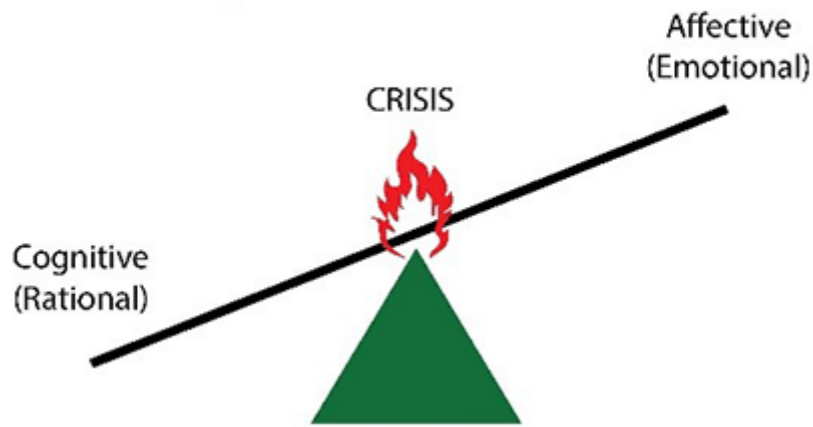


Figure 6. Expressive behavior.

Whether or not a situation becomes a crisis depends on the perception and experience of the person (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). The crisis state is frequently the result of confronting situations previously never encountered, feelings of helplessness, hopelessness, and powerlessness, perceived absence of social support, and the inability to cope that results in highly negative emotional arousal (Noesner, 2010; Rogan, 1997). The last two elements are worthy of consideration for negotiators: the perceived absence of social support and the inability to cope (Vecchi, 2019). During an impending personal crisis, a person will often seek out help in order to cope, as a result of a perceived threat to important needs, as well as a lack of experience or knowledge to effectively deal with the situation (Vecchi, 2019). If no one is willing or able to assist in finding a way to cope, the person goes into crisis. This explains why a graphic event will put some people into crisis but not others. Take, for example, a victim who has been murdered by a machete. On the one hand, this situation presents no problem for the seasoned detective because the detective has learned how to deal with it as part of her job through familiarity and training in murder investigations. On the other hand, the murder scene could be a triggering event that places a neighbor of the victim into crisis, due to past traumatic experiences and unfamiliarity with this type of graphic crime. The same could be said for traffic fatalities; a witness or victim is more likely to experience psychological trauma as a result of such events, whereas the seasoned traffic homicide investigator may not.

Once coping and social support mechanisms fail, and a person falls into a crisis state, normal functioning is disrupted (Figure 7). What is normally resolved at a rational or cognitive level (as in intense conflict situations) is now dealt with on an emotional or affective level, which further enhances the volatility of the crisis, much in the same manner as throwing fuel on a fire (Vecchi et al., 2005). Therefore, restoring the ability of a person to cope through the reestablishment of baseline functioning is the primary purpose of crisis intervention (Hendricks & Byers, 2002; James & Gilliland, 2001; Roberts, 2000; Vecchi, 2019; Wiger & Harowski, 2003).

Crisis State

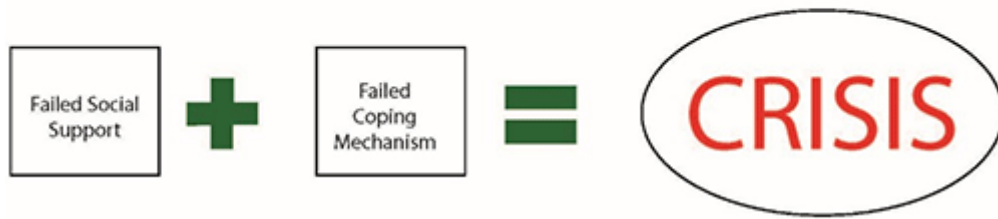


Figure 7. Crisis state.

Crisis Intervention

For a crisis to exist, the subject must perceive that he or she cannot cope with the situation and that no one can or will help them with their problems (Vecchi, 2019). This shift in mindset from instrumental to expressive results in moving from a future-oriented, flexible, and positive attitude to one that is now-oriented, rigid, and negative (Hogan, 2011; Wong, Caine, Lee, Beautrais, & Yip, 2014; Wong, Chan, Lau, Morgan, & Yip, 2009). Once coping mechanisms and social support systems fail, a person slips into a crisis state, resulting in the disruption of normal functioning levels.

Crisis intervention is the process of assisting the subject in returning to his or her normal functioning level through a specialized process that involves the venting of emotions and building credibility between the negotiator and the subject to a point where the negotiator can gently guide the subject back to instrumental behavior to end the crisis (Dattilio & Freeman, 2000; Rogan, 1997). Crisis intervention should be used when the negotiator has assessed that the subject is exhibiting irrational or expressive behavior and/or there is a lack of credibility (trust) between the negotiator and the subject.

The crisis cycle occurs in four generally predictable stages: (a) pre-crisis, (b) crisis, (c) negotiation, and (d) resolution (McMains & Mullins, 2015). The pre-crisis stage is when the subject goes about his or her normal routine with no specific knowledge of the looming event. During this stage, the subject may or may not be aware of an impending problem. The crisis stage is characterized by high emotions, low rationality, lack of social support, and an inability to cope with a problem that is perceived to be a serious threat to an important need (Rogan, 1997). During this stage, frustration and tension rise as a result of the subject being unable to deal with the problem, usually because he is using familiar but unsuccessful coping strategies. It is often during the onset of the crisis stage that negotiators intervene. The negotiation stage is when the subject begins to work through the crisis in terms of being open to the suggestions of the negotiator and thinking through the situation (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). This is the result of the negotiator influencing accommodative or collaborative behaviors with the subject. During this stage, there is a lessening of emotional intensity and a move toward more productive problem-solving (Rogan, 1997). The resolution stage is when

the negotiator and subject work out an acceptable solution, thus ending the crisis. This stage results in the subject experiencing equilibrium and confidence as a consequence of developing and implementing new solutions that effectively address the problem.

A crisis always poses a perceived danger to a subject's physical, psychological, and/or emotional well-being. This perception provides the negotiator with the opportunity to resolve the crisis, as the goal of crisis intervention is the restoration of the subject's ability cope through the establishment of normal functioning levels. This structure provides an opportunity for the negotiator to become the "social support" for the subject. This is the key to effective crisis intervention. Negotiation works in the law enforcement context because of the ability of the negotiator to build credibility with the subject and to become the only person in their life who seems to care in the moment.

The following goals of crisis intervention provide the underpinning of the negotiation strategy: (a) establishing communication, (b) buying time, (c) defusing intense emotions, and (d) gathering intelligence (Noesner, 2010) (Figure 8).

Crisis Intervention Goals

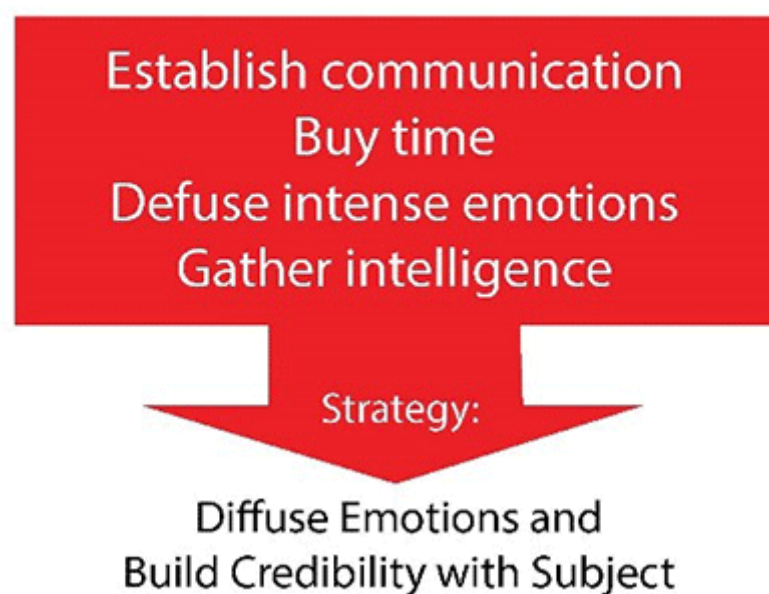


Figure 8. Crisis intervention goals.

Goal 1: Establish Communication

Subjects who make clear statements of feeling are in a better position to solve their problems, thus, in crisis intervention it is important that the negotiator establish communication and actively listen to what the subject is saying. When a listener (negotiator) reflects the speaker's (subject) feelings, the listener is perceived as being understanding, which is the basis of developing credibility; the subject is now ready to accept and act upon the suggestions of the negotiator, thus ending the crisis (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019; Wiger & Harowski, 2003).

Goal 2: Defuse Intense Emotions

People communicate on two levels (Dalfonzo & Flood, 2002). The first level relates to the facts or story (content), which is cognitive and based on the facts as relayed by the person who is speaking. This is akin to identifying the who, what, when, where, how, and why of the situation. The second level of communication relates to feeling, which is the emotional or affective reaction to the content, the way the person feels about what he or she just said. The emotional reaction and subsequent behavior based on that reaction is what makes a situation a crisis, not the facts of the situation (Rogan, 1997). These levels can be assessed by looking at statements in terms of their content and by which emotion wraps the content. For example, a subject can communicate the same content, but with different emotions: “I hate you” may reflect disagreement, while “I HATE YOU!” may reflect anger. How people feel about a situation will strongly influence their behavior; therefore, listening for and addressing the emotions behind the content will help influence the subject’s behavior (Figure 9).

Feeling/Content Model



Figure 9. Feeling/Content Model.

Goal 3: Buy Time

Time can be one of the negotiator’s best tools (Noesner, 2010). Buying time is sometimes known as “verbal containment,” which is the process of keeping the subject “occupied” in discussions with the negotiator. The passage of time tends to decrease stress levels and sets the stage for attaining the remaining goals of crisis intervention (Noesner, 2010). This is true because subjects do not enjoy experiencing negative emotions such as anger and it takes an excessive amount of energy to maintain negative emotions for a long period of time (Vecchi, 2019). This characteristic of human behavior works in the negotiator’s favor due to the empathetic and nonjudgmental characteristics of the crisis intervention process.

Goal 4: Gather Intelligence

Gathering intelligence concerns the ongoing assessment of the crisis. This goal strives to determine the lethality or potential harm to the subject and others, identifying precipitating events or triggers, and formulating proposed courses of action and options to be considered after the crisis is resolved, such as referral for therapy, medical follow-up, or incarceration (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019).

Stages of Crisis Intervention

The goals of crisis intervention provide the strategy; however, the stages of crisis intervention provide the tactics used to gain compliance. Crisis intervention comprises the following stages: (a) establishing communication, (b) dealing with emotions, (c) identifying the precipitating event(s), and (d) returning the subject to a normal functioning level (Figure 10).



Figure 10. Crisis intervention stages.

Stage 1: Establish Communication

Establishing communication is the vehicle for the delivery of crisis intervention strategies and tactics (Goergen, 2018; Greenstone, 2005; Hendricks & Byers, 2002; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019; Wiger & Harowski, 2003). It is important that there are no language or cultural barriers, physical barriers (barricade, technical issues, etc.), psychological barriers, or physiological barriers (deafness, blindness, muteness, etc.). When speaking to the subject, it is important to speak slowly and calmly and to choose words, tone, and manner with care. How the negotiator says something is much more important than what is said. Context can be easily adjusted by telling the subject that you simply are trying to understand; however, it is much more difficult to fix an

attitude that is perceived by the subject as being “bad.” In addition, the communication delivery should be deliberate, methodical, and, most importantly, nonjudgmental (Vecchi, 2019).

Stage 2: Deal with Emotions

Dealing with emotions is a baseline skill that every negotiator must learn because intense negative emotions are a hallmark of crisis situations (Rogan, 1997). Although emotions are universal, experiences are not. Making assumptions about a person’s emotions based on the circumstances can inadvertently inject judgment and conflict and stall the intervention (Vecchi, 2019). For example, during a situation where a man has barricaded himself and is threatening to commit suicide, the negotiator attempts to demonstrate empathy by saying: “I know how you feel.” The subject responds by saying “You don’t know how I feel . . . just go away.” In this case, the negotiator’s attempt at empathy is counterproductive because the subject does not believe the negotiator has ever tried to commit suicide. Regardless of whether that is true, the perception of the subject is the negotiator’s reality; therefore, arguing or trying to be rational with the subject is pointless (AFSP, 2019; Dalfonzo, 1998). An alternative approach would be for the negotiator to say: “I’ve never been in your situation before, but I imagine you must be feeling very depressed and lonely.” By saying this, negotiators are demonstrating that they are trying to understand the situation from the perspective of the subject without leaping to conclusions.

A nonjudgmental attitude is one that can be described as accepting and one where the subject perceives that his or her feelings, values, thoughts, and opinions are viewed by the negotiator as most important (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). It is important for negotiators to avoid injecting their own values into the situation; however, this does not mean the negotiator must agree with the values or morals (or lack thereof) of the subject. A negotiator can always acknowledge the subject’s point of view without agreeing with it, especially when negotiators are faced with a situation where agreement would violate their own values (Vecchi, 2019). This acknowledgment can be relayed to the subject by saying something like the following: “From what you’re saying, I can see how your wife could have made you angry enough to kill her . . . that would have made anyone angry.”

Stage 3: Identify the Precipitating Event(s)

A precipitating event is the “last straw” or “trigger” that puts a person into crisis. The precipitating event is usually associated with some sort of loss, which could be the result of losing a job, losing a significant other, or losing money (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). Identifying the precipitating event is crucial in laying the groundwork for problem resolution because it identifies the problem that needs to be solved.

Sometimes the subject is unaware or confused about the nature of the precipitating event, as the crisis may involve a conflict of values. Values are what people believe are important and cherish and are the “hooks” used by negotiators to develop themes to assist in alleviating the crisis (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains &

Mullins, 2015; Slatkin, 2005; Vecchi, 2019). For example, a religious person who values nonviolence is robbed and attacked, resulting in the death of the robber. This results in conflict between his convictions of nonviolence and his violent actions (even though justified), which trigger a crisis. In this situation, it is necessary for the negotiator to assist the person in clarifying his values. For instance, the negotiator could point out that the death of the robber was unintended and in blind reaction to the actions of the robber. By attaching “intent” as a requirement to defining something as violent, the action of the person can be reframed as not violating the value of nonviolence, thus alleviating the internal conflict and setting the stage for problem resolution (Malhotra, 2016). Another example of developing a value theme would be in the case of a bank robber who is barricaded. Reframing his behavior to that of a good husband and provider (as opposed to a greedy bank robber) makes it easier for the subject to admit to his behavior and allows the negotiator to “soften” the reason for the crime, thus making it easier for the subject to comply. Providing a moral or ethical reason does not equate to a legal reason, so regardless of the intent, the bank robber would still be prosecuted (Vecchi, 2019).

Stage 4: Return the Subject to Normal Functioning Level

Once emotions are under control, communication has been established, and the triggering event has been identified and explored, the negotiator assists the subject in returning to a more rational state of mind where reason supersedes emotion in controlling behavior (Rogan, 1997). It is at this point that the negotiator can engage in problem resolution strategies with the subject. Establishing a normal functioning level is the process by which the negotiator helps the subject explore other alternatives and solutions to the crisis. McMains and Mullins (2015) identify the following problem resolution steps: (a) defining the problem, (b) brainstorming all possible solutions, (c) eliminating unacceptable solutions, (d) choosing a solution with which the negotiator and subject can both agree, (e) planning the outcome, and (f) implementing the plan.

Part of effective problem resolution involves listening for distorted thinking on the part of the subject (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). As a result of life experiences, individuals develop different patterns of thinking. These thinking patterns influence how individuals perceive themselves and how others perceive them. This can be viewed as a “filter” through which the world is viewed, which may influence a person’s reaction to events and lead to emotional distress and crisis (Rogan, 1997). Sometimes these distortions affect the potential for problem resolution and must be addressed by the negotiator. For example, a drug abuser tries to steal a prescription drug in a pharmacy and is caught. The police are notified and surround the building before the person can escape. As a result, the man becomes depressed and demands to be set free or he will kill himself because going to jail is not an option. In this case, the distorted thinking surrounds the assumption of only two options: going free or going to jail. In response, the negotiator offers another choice: being sent to a drug rehabilitation center for treatment rather than to jail. After several hours, the person surrenders without incident. This suggestion by the negotiator refocuses the thinking of the person, who now sees another option beyond his previous distorted perception.

Another factor of problem resolution involves the concept of problem ownership (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Slatkin, 2005; Vecchi, 2019). Although it is the duty of the negotiator to assist the subject with problem resolution, the problem belongs to the subject, not the negotiator. All persons “own” their own problems; thus they also “own” their emotional reaction to the problem and their subsequent actions. It is important that the negotiator never accept responsibility for another person’s problem or actions because the final responsibility belongs to the subject (Vecchi, 2019). This establishes an important social boundary that must be established and remain between the negotiator and the subject. For example, if a person says: “If I kill these people, you will be responsible for their deaths!” The negotiator should reject taking responsibility for the person’s proposed actions by saying: “It would be tragic if you chose to do that; however, that would be your choice and you would be responsible for doing that.” Another example would be a suicidal person asking the negotiator to tell his mother that he loved her. In this situation, the negotiator should reframe this request by telling the subject that he can tell his mother that after he comes out.

Crisis Intervention Process

Crisis situations place demands on subjects to act in furtherance of resolving the crisis. When people experience a crisis, their rational conscious mind is subsumed by emotions (Noesner, 2010). Rather than cognitively computing, calculating, comparing, and contrasting reasonably objective solutions to the problem, emotions override cognitive functions, resulting in rapid-fire choices based on feelings rather than reason (Hogan, 2011; Rogan, 1997). Depending on the action taken, the behavior can be adaptive or maladaptive (Rosenbluh, 2001). Adaptive behavior results in positive crisis resolution. For example, a situation involving a man discovering that his wife has cheated on him has the potential to incite a crisis. How the man deals with the situation can be either adaptive or maladaptive, depending on his coping and social skills. An example of an adaptive strategy would be for the man to gather all information possible and constructively confront his wife about the situation and pursue marital counseling. Maladaptive behavior results in negative resolution and is often the choice made under the stress of a crisis (Hogan, 2011; Rosenbluh, 2001). In the same example, maladaptive behavior would be for the husband to take his wife captive with the intent to kill her for cheating on him. In both examples, the man is attempting to resolve the crisis; however, in the former example, the negotiator would encourage the adaptive behavior, whereas in the latter example, the negotiator would discourage the maladaptive behavior by implementing the strategies and tactics of crisis intervention to assist in ending the crisis in a more adaptive manner.

For the negotiator, the key to implementing crisis intervention techniques toward adaptive resolution is to focus on understanding the needs of the subject, which are oftentimes hidden behind more seemingly substantive concerns (Vecchi, 2019). For example, an elderly man who takes his daughter captive and threatens to harm her may appear to be mentally ill, but the reality of the situation is that he does not want her to place him in a nursing home because he feels he will lose control of his life. In this example, the negotiator would attempt to unveil this “hidden” need and use it as a “hook” to develop a theme in furtherance of resolving the crisis in an adaptive manner (Doering, 2016). Therefore, it is important to note that people do not always say what they mean, so it is important to attempt to listen for the meaning behind

the words in order to reveal the needs of the subject. Negotiators do not meet demands, but they do satisfy needs. Some of the common needs that surface during crisis intervention include (a) security needs (physical, emotional, and psychological), (b) recognition needs (person's view is understood and acknowledged), (c) control needs (ownership in the process, having some say in the matter), (d) dignity needs (saving face), and (e) accomplishment needs (achieving something) (Vecchi, 2019; Wiger & Harowski, 2003).

When dealing with a subject, the negotiator gives the person a "hearing." This is because people want their needs and values to be understood; thus, listening is the cheapest, yet most effective concession a negotiator can make, and it demonstrates empathy and respect (Noesner, 2010; Voss, 2016). Being right is not the issue; making the attempt to get it right is what counts. Tone speaks louder than words and indicates attitude, as a calm controlled demeanor is more effective than a brilliant argument.

Assessing Instrumental and Expressive Behavior

It is important to note that for any type of negotiation to work there must be three enablers present (Vecchi, 2009b, 2019). The first enabler requires that all parties be willing and able to communicate. Some issues to consider are language barriers, motivation to negotiate, and the ability to be heard and understood (Thompson & Jenkins, 2013). The second enabler requires that all parties listen attentively to one another (Thompson & Jenkins, 2013; Vecchi, 2009b, 2019). This requires all parties to actively listen to what all the stakeholders are saying, rather than planning their own next response. The third enabler requires that all parties be attuned to clarifying misunderstandings and misinterpretations, as many nuances of language can be perceived differently than what was intended (Thompson & Jenkins, 2013; Vecchi, 2009b, 2019). Cultural differences and tone are oftentimes the basis for misunderstandings and misinterpretations (Dalfonzo & Flood, 2002).

A litmus test that can be used to assist the negotiator in determining whether the situation calls for crisis intervention or bargaining is to ask two questions (Vecchi, 2019):

- Does the person seem rational and goal-directed?
- Does the person want to talk to the negotiator?

If the answer is yes to both questions, then the immediate situation most likely dictates an intense conflict situation (such as a hostage or kidnapping situation), which necessitates the use of tactical negotiation techniques (Vecchi, 2009b, 2009c, 2019). If the person exhibits irrational thinking, no clear goals, and resistance to speaking with the negotiator, then the situation mostly likely dictates a crisis which requires the use of crisis intervention techniques (Hendricks & Byers, 2002; Vecchi, 2009a, 2009b, 2009c, 2019; Wiger & Harowski, 2003).

Keep in mind that there are rarely "pure" conflict or crisis situations, as most situations have elements of both (Vecchi, 2009a, 2009b, 2009c, 2019). Take, for example, the classic case of the crime-gone-wrong scenario. A subject holds up a bank, expecting to escape with lots of cash. Instead, the silent alarm is activated and the police surround the bank, all before the subject can escape. This puts the bank robber in crisis and as a result, he takes two employees hostage at gunpoint and retreats to the vault. The offender then demands money and transportation, or he will kill the hostages. In analyzing this situation, we find that the subject is initially in a crisis state as the result of being caught in the act. During this initial

chaos, crisis intervention techniques would be appropriate. As the situation stabilizes, the negotiator would move on to tactical negotiation techniques in furtherance of eliminating demands, releasing hostages, and influencing the subject to surrender. It should be noted that at any time the subject could get emotional again, which would require the negotiator to again use crisis intervention techniques. This back-and-forth dynamic is what separates the “art” from the “science” of tactical negotiation and crisis intervention. In both events, the use of the Behavioral Influence Stairway Model (BISM) is used as the structure for resolving these incidents without the use of violence.

The Behavioral Influence Stairway Model (Revised)

The BISM was inspired by the original FBI Behavioral Change Stairway Model developed by the FBI Crisis Negotiation Unit (Voss, 2016). It was improved upon with respect to reorienting active listening as the foundation of the stairway (rather than just the first step), focusing on negotiator influence rather than subject behavioral change, and emphasizing the development of a relationship between the negotiator and the subject as the basis for generating instrumental behavior on the part of the subject (Dattilio & Freeman, 2000; Ireland & Vecchi, 2009; Patterson et al., 2012; Vecchi et al., 2005, 2019). The revised BISM (Vecchi, 2019) further refined the original BISM by making a distinction between rapport and trust as the transition point between moving from the subject’s frame of reference to the negotiator’s frame (Malhotra, 2016; Rollnick & Miller, 1995). Another improvement was changing “relationship” to “credibility” as a better descriptor of the subject’s perception of negotiator expertise and trust (Hogan, 2011). The revised BISM (Vecchi, 2019) graphically depicts and explains the process of influencing the subject to engage in instrumental behavior, as well as establishing negotiator credibility from the standpoint of the subject. The end goal is to create an environment where the subject voluntarily accepts and acts upon the suggestions and directions of the negotiator. Law enforcement negotiators have honed this process over the past 40 years to be effective even in the most volatile of situations and this model has proven to be highly effective in resolving crises without injury and within a relatively short period of time (Vecchi et al., 2005).

The BISM is comprised of four stages that lead to behavioral change (Figure 11). These stages occur in a specified order: (a) Active Listening, (b) Empathy, (c) Rapport-Trust, and (d) Influence (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). It is important to note that these stages occur in sequence and one stage cannot be skipped in order to get to the next stage faster. For example, a negotiator cannot skip from Stage 1 (Active Listening) to Stage 4 (Influence) without first having developed Empathy and Rapport-Trust (Stage 2 and Stage 3) with the subject (Vecchi, 2009b, 2019; Vecchi et al., 2019). The most important thing to note is that if the negotiator is not making progress, it is always best to go back to the foundation (Active Listening) and start over again. The negotiator should stay focused on the process of developing credibility with the subject rather than on resolving the crisis too fast. Another critical aspect of the BISM is the importance of frame of reference (Malhotra, 2016; Roberts, 2000; Rollnick & Miller, 1995; Vecchi, 2019; Vecchi et al., 2019). In this context, the negotiator must be aware of when to stay in the subject’s frame and when to transition to the negotiator’s frame (Malhotra, 2016). During the Active Listening and Empathy stages, the negotiator should remain in the subject’s frame and avoid using pronouns such as “I,” “me,” or “my.” It is only during the establishment of rapport that the

negotiator should plan to move to his or her own frame of reference (Vecchi, 2019; Vecchi et al., 2019). Only when rapport between the negotiator and the subject has moved to the point where the subject trusts the negotiator should the negotiator attempt to transition the frame of reference, because without trust, the negotiator can have no influence. Time is also a critical component of the BISM and it should not be rushed; rushing can make subjects feel they are not being heard (Voss, 2016). Time provides negotiators with the opportunity to defuse emotions and build trust with the subject; it also allows subjects to vent and rethink their situation (Noesner, 2010).

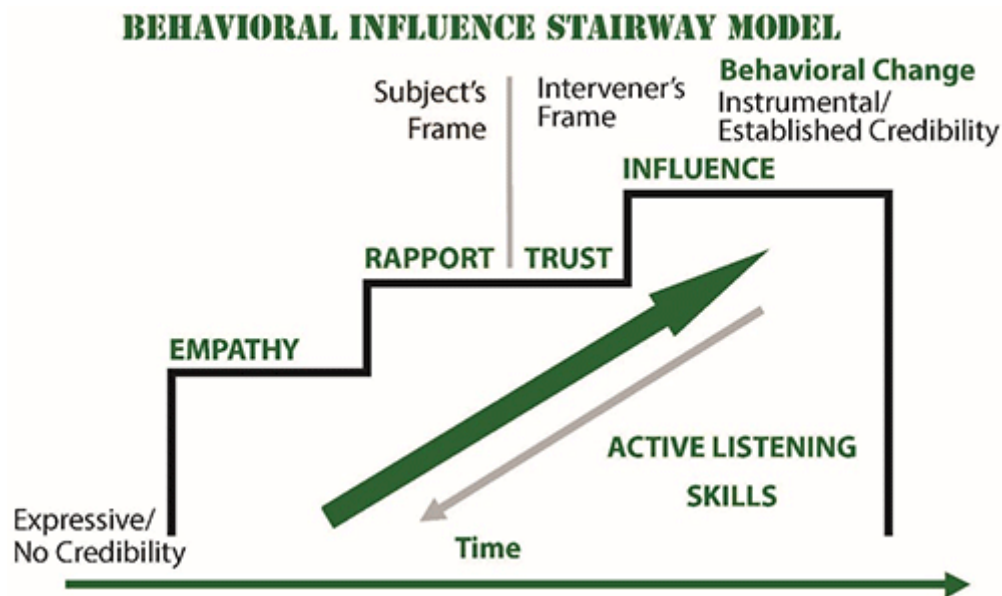


Figure 11. Behavioral Influence Stairway Model.

Stage 1: Active Listening

Persons in crisis have a universal need to be heard and understood and they all have their own unique story to tell (Caplan, 1961; Carkhuff & Berenson, 1977; Roberts, 2000; Thompson & Jenkins, 2013; Vecchi, 2019). Active Listening attends to these needs from the standpoint of the subject and it is the first step in diffusing intense negative emotions and developing negotiator credibility that will ultimately lead to behavioral change and an end to the crisis (Roberts, 2000; Rogan, 1997; Vecchi, 2003a, 2004; Vecchi et al., 2019).

Active Listening encourages the subject to vent emotions and, provides a safe environment in which the subject can discuss the underlying events that resulted in the crisis, and provides the foundation for influencing the subject to voluntarily comply with the suggestions and directions of the negotiator (Doering, 2016; Patterson et al., 2012; Vecchi, 2019; Vecchi et al., 2019). Therefore, it is the responsibility of the negotiator to determine the needs and concerns of the subject from the subject's perspective and empathetically echo those needs and concerns back to the subject in the subject's frame of reference (Thompson & Jenkins, 2013). The ability of the negotiator to "step out of the conversation" while remaining in the subjects' frame creates a perception of safety while mutual purpose and respect are developed (Patterson et al., 2012; Rollnick & Miller, 1995).

In order to root out the core needs and concerns of the subject, the negotiator must do so by “drawing” out these elements without asking directly (Doering, 2016). This amounts to staying in the person’s frame of reference and ensuring that it is “all about the subject” and not about the negotiator (Vecchi, 2009b). For example, if the negotiator simply states: “I know you’re hurt because your wife left you,” the response from the subject may be something like: “You don’t know anything about me, just go away.” In this example, the negotiator left the frame of the person and spoke from his own point of view, which is an obstacle to negotiation (Oostinga, Giebels, & Taylor, 2018). If, for example, the negotiator had said: “You sound really hurt about your wife leaving you,” this keeps the negotiation in the subject’s frame of reference; thus, the subject may reply: “I am hurt, because I really love her.” In this example, the negotiator stayed in the subject’s frame, which demonstrated empathy and furthered the credibility of the negotiator (Doering, 2016; Ireland & Vecchi, 2009; Oostinga et al., 2018; Vecchi, 2009b, 2009c; Vecchi et al., 2005).

Active listening skills (ALS) form the bedrock of the BISM and are comprised of core and supplemental groupings. The core group comprises the elements of Mirroring, Paraphrasing, Emotion Labeling, and Summarizing (Strentz, 2013, 2018; Thompson & Jenkins, 2013; Vecchi, 2003a, 2004, 2009a, 2009b, 2019; Vecchi et al., 2019). The supplemental group consists of Minimal Encouragers, Open-Ended Questions, Effective Pauses (silence), and “I” Statements (Strentz, 2013, 2018; Vecchi, 2003a, 2004, 2009a, 2009b, 2019; Vecchi et al., 2019). Although there are no hard or fast rules, supplemental ALS should be used when necessary to enhance the effectiveness of the core ALS toward influencing behavioral change (Ireland & Vecchi, 2009; Vecchi, 2003a, 2004, 2009b, 2009c; Vecchi et al., 2005, 2019).

Core Active Listening Skills

It is suggested that the core active listening skills of Mirroring, Paraphrasing, Emotion Labeling, and Summarizing be used in a specified order to maximize the perception of the subject that the negotiator is in the subject’s frame and trying to understand the situation from the subject’s perspective (Malhotra, 2016; Vecchi, 2009b, 2019; Vecchi et al., 2005, 2019). This is because upon making first contact, the negotiator does not know the concerns and needs from the perspective of the subject, so the negotiator must employ active listening in order to “draw out” the concerns and needs of the person to make an informed assessment, eventually introducing problem resolution strategies that are acceptable to the subject.

Mirroring is the first core active listening skill employed because it demonstrates attentiveness on the part of the negotiator and it “draws” out elements of what is important to the subject, which can then be used to determine the subject’s most important concerns and needs (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). Mirroring refers to repeating the last few words or gist of what the subject says. By repeating the last few words of the subject, the negotiator encourages the subject to keep on talking, which results in drawing out “new” and relevant material for the negotiator to work with. Mirroring ensures that the discussion content is provided solely by the subject rather than by the negotiator, thereby keeping the conversation in the subject’s frame of reference, thus furthering the negotiation (Malhotra, 2016). Here is an example of a mirroring exchange between the subject (S) and the negotiator (N):

S: "They just don't care."

N: "They don't care."

S: "Yeah, that's why I got fired."

N: "You were fired."

S: "Yeah, I got fired because management doesn't care about me and wanted to hire Robert."

Paraphrasing is a process where the negotiator restates to the subject what has been said but in the negotiator's own words (Voss, 2016). Paraphrasing is used by the negotiator to restate the content of what the subject said during the mirroring process to ensure that the negotiator understands the information from the perspective of the subject (Thompson & Jenkins, 2013). This demonstrates to the subject that the negotiator is trying to understand the subject's specific situation from a cognitive or content perspective. When a negotiator paraphrases what the subject said in the negotiator's own words, it is perceived as empathy by the subject and demonstrates that the negotiator is engaged, cares, and is listening (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). Here is an example of paraphrasing: "You were fired because your boss decided to let you go because they wanted to hire Robert."

Emotion labeling is the key to reestablishing a sense of rationality to the subject, which must be present before problem resolution can occur (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). Emotion labeling refers to the negotiator identifying the emotion(s) that the subject is feeling and simply relaying it back to the subject (Voss, 2016). This gets to the heart of what the subject is experiencing because most content issues are surrounded by emotion(s). Labeling the subject's fear defuses his or her power and interrupts the subject's amygdala, which generates fear, and provides the opportunity to generate feelings of safety and well-being (Voss, 2016). Even if the negotiator misidentifies the emotion, it still demonstrates to the subject that the negotiator is trying to understand the situation, which tends to de-escalate highly volatile emotions. Here is an example of emotion labeling: "You sound angry about losing your job to Robert."

Summarizing combines the content of the paraphrase with the feeling identified by emotion labeling into the negotiator's own words (Voss, 2016). This process is a final clarification by the negotiator of what the subject is experiencing, and it assures the subject that the negotiator understands the situation from the subject's perspective (Ireland & Vecchi, 2009; Thompson & Jenkins, 2013; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). An example of summarizing would be: "Let me make sure I understand what you're saying, you lost your job because they wanted to hire Robert and that makes you angry."

Supplemental Active Listening Skills

Unlike the core active listening skills, the supplemental active listening skills (Minimal Encouragers, Open-Ended Questions, Effective Pauses, and "I" Statements) are not used in any specified order but interlaced as necessary to enhance the effectiveness of the core active listening skills (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019).

Minimal encouragers are verbal and nonverbal cues to the subject that the negotiator is being attentive to what the subject is saying and experiencing (Cialdini, 2007, 2016). Minimal encouragers also demonstrate that the negotiator is psychologically present with the subject and that the negotiator is genuinely trying to understand the subject's perspective (Voss, 2016). Minimal encouragers are used while the negotiator is listening (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). Verbal encouragers are comments such as "uh-huh," "yes," "right," and "okay." Nonverbal encouragers are actions such as nodding the head, tilting the head, leaning forward, watching the subject's eyes or mouth as they speak, or mirroring the nonverbal behavior of the subject.

Open-ended questions prompt the subject to expand on his or her concerns and perspective and encourages clarification. Open-ended questions are used by the negotiator in employing more primary active listening strategies (mirroring, paraphrasing, emotion labeling, and summarizing), all in an effort to bring the subject to a more rational state of mind (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). Open-ended questions do not limit the responses to either-or or yes-no answers but require elaboration and detail on the part of the subject. Open-ended questions may include questions that start with "what" or "when" or statements such as "tell me more about . . ." Open-ended questions can also be used by the negotiator to take the conversation in a specific direction, such as assessing the degree of threat to another person. For example, if the subject has relayed that he lost his job because "my terrible boss fired me," then the negotiator could move the conversation toward determining the status of the boss by asking "tell more about your boss."

Effective pauses equate to deliberate silence before or after meaningful comments by the negotiator (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005). This provides the subject with the ability to focus on what the negotiator is saying. Pausing just before or after saying something important tends to cause the subject to listen to the content of the message because the pause breeds anticipation (if done before the meaningful comment) and reflection (if done after the meaningful comment). Effective pauses are especially useful when following an open-ended question, which sets up a quid pro quo situation where the longer the pause, the more tempting it is for the subject to respond. For example, the negotiator could use an effective pause in this way: "Tell me about where you grew up . . . (pause)" or "Let me know if I have this right . . . (pause) . . . you are angry with your mother because she never showed you love" or "You sound angry about the loss of your father . . . (pause) . . . tell me more about that."

"I" statements are the only time a negotiator should consider leaving the subject's frame of reference during Stage 1 (Active Listening) of the BISM (Vecchi, 2019). "I" statements can be used sparingly to generate empathy or to neutralize verbal attacks by the subject (Ireland & Vecchi, 2009; Malhotra, 2016; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). To generate empathy, "I" statements are used by the negotiator in the form of appropriate self-disclosures within the context of what the subject is describing. For example, the negotiator may say: "I am a father too, but I can't imagine what it must be like to lose a son. It must be terrible." When being verbally attacked, the negotiator can use the "I" statement to gently point out a subject's counterproductive behavior. For example, the negotiator could say: "When you say that I don't care about you, it frustrates me because I really am trying to understand your

situation and I really want to help you.” Once the negotiator has completed the “I” statement following the subject’s verbal attack, the negotiator should immediately return to the subject’s frame, for example: “Now tell me more about when you lost your job.”

Active listening is the starting point of effective crisis intervention and the first stage toward influencing behavioral change (Ireland & Vecchi, 2003a; Roberts, 2000; Vecchi, 2004, 2009b, 2009c; Vecchi et al., 2005, 2019; Wiger & Harowski, 2003). For active listening to work, the subject must maintain a sense of ownership over the outcome of the crisis, which can only be accomplished by remaining within the frame of the subject (Malhotra, 2016). In many cases, the negotiator is the only person in the life of the subject who has tried to understand and respond to the crisis from the subject’s perspective (Malhotra, 2016). In these cases, the negotiator becomes the missing social support in the subject’s life, and it is this support that takes the subject out of crisis, eventually providing an opportunity for the negotiator to suggest coping strategies and ultimately solutions to the crisis (Vecchi, 2019). Finally, active listening is always the fallback position when negotiations begin to deteriorate.

Stage 2: Empathy

Empathy is a natural byproduct of effective active listening. Empathy implies an identification and understanding of another’s situation, feelings, and motives (Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). The negotiator uses empathy to see through the eyes of the subject and to absorb tension (Doering, 2016; Thompson & Jenkins, 2013). Being right is not the issue; making the attempt to get it right on the part of the negotiator is what counts. An example of an empathetic statement would be: “It is understandable how you would be angry over that.”

Empathy should not be confused with sympathy, which indicates pity. In crisis intervention, the goal is not to feel sorry for the subject but to establish credibility through effective communication whereby positive steps can be taken toward resolving the crisis in a collaborative fashion (Thompson & Jenkins, 2013). A subject will not care about what the negotiator has to say until the subject is convinced that the negotiator cares (Hogan, 2011).

An important consideration with regard to developing empathy is the importance of tone (Vecchi, 2019). Tone indicates attitude and genuineness through inflection and pitch, and it expresses emotion, demeanor, and projected sincerity. Tone influences how the subject perceives the meaning of what the negotiator is saying. It is this perception of meaning that counts the most in effective crisis intervention, whether or not the perception is based in reality. All strategies and tactics must be employed based on their impact on the subject. The way a negotiator says something is far more important than the content alone. Empathy seeks to first understand and then to be understood and it forms the building blocks of rapport and trust (Doering, 2016; Ireland & Vecchi, 2009; Thompson & Jenkins, 2013; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019).

Stage 3: Rapport-Trust

Rapport and trust can be built simultaneously; however, there are important differences for negotiation. Rapport focuses on establishing a bond or connection between the negotiator and the subject that is characterized by smooth, in-sync communication, mutual affinity, and

respect (Hogan, 2011). Rapport requires the negotiator to remain in the subject's frame of reference, as most people enjoy talking about themselves, especially with respect to their values, feelings, and thoughts (Hogan, 2011; Malhotra, 2016; Rollnick & Miller, 1995). Good rapport is characterized by the ability of the negotiator to make the subject comfortable in talking about his or her concerns and needs through proper pacing (Hogan, 2011). Pacing is the process of matching the subject in conversation. For example, if the subject is exhibiting anger, the negotiator should also become angry (but only briefly) in order to sync with the subject, thus allowing the negotiator to lead the subject out of the subject's negative frame (Hogan, 2011; Malhotra, 2016; Rollnick & Miller, 1995). Another aspect of pacing is matching the rate of speech, as people speak at a rate that is consistent with their thought processes and internal representations (Hogan, 2011). Subjects in crisis process information through feelings and emotions and tend to speak slower than normal, therefore it is important for the negotiator to match the subject's rate of speech to be more effective in gaining rapport (Hogan, 2011; Roberts, 2000; Rogan, 1997). As rapport increases, it transitions into trust, where the subject believes that the negotiator is reliable, truthful, and will act on what the negotiator says. It should be noted that as trust is established, the negotiator necessarily transitions into his or her own frame of reference in order to guide the subject to an acceptable resolution (Doering, 2016; Malhotra, 2016; Rollnick & Miller, 1995). Once trust has been developed, the subject is poised and ready to listen to what the negotiator suggests and, as a result, the subject is ready to be influenced by the negotiator to act. Trust leads to subject compliance provided it has been established before the request is made (Cialdini, 2007, 2016).

Stage 4: Influence

Once the negotiator has demonstrated interest in and an understanding of the subject's problems (active listening and empathy), as well as mutual affinity and confidence with the subject (rapport and trust), then the negotiator has established influence (Ireland & Vecchi, 2009; Vecchi, 2003a, 2004, 2009b, 2009c; Vecchi et al., 2005, 2019). Influence is the act or power of producing an effect without apparent force or direct authority; that is, the negotiator is now able to lead the negotiation (Hogan, 2011). Influence can be affected by the negotiator through careful applications of positive affirmations, a cooperating and helpful attitude, and reciprocation (Cialdini, 2007; Hogan, 2011; Rollnick & Miller, 1995). Positive affirmations are non-patronizing or non-placating compliments based on facts that the negotiator makes to the subject in order to demonstrate reverence and respect through affirming the subject's choices and self-direction (Rollnick & Miller, 1995). For example, if the subject is a father and indicated that he loved his children, then the negotiator could comment "Bob, it seems that you really love your kids and that makes you a good man." Being cooperative and helpful is the basis of why negotiation works because this element allows the negotiator to end the crisis by becoming the subject's "social support" or consummate "helper." The negotiator should use key words such as "we" and "us" when referring to helping the subject because it emphasizes that the negotiator and subject are a "team." Reciprocity breeds influence because of the human tendency to return favors. This quid pro quo obligation develops when the negotiator is kind and understanding and it is cemented once the subject trusts the

negotiator. The very fact that the negotiator is trying to help the subject is often enough to compel reciprocation, as it is challenging to remain difficult with someone who is trying to help (Cialdini, 2007; Doering, 2016).

At this stage in the BISM, the subject is in a rational state of mind and the negotiator has established credibility with the subject to the point where the subject is ready to accept the suggestions and act upon the directions of the negotiator as a prelude to behavioral change (Doering, 2016; Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005, 2019). In other words, the negotiator has earned the right to suggest a course of action to the subject, and they can work together to identify solutions and alternatives that are mutually acceptable. Once influence is established, the negotiator builds themes, defense mechanisms, minimizations, or blending concepts that serve as precursors to ending the crisis (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Roberts, 2000; Slatkin, 2005; Vecchi, 2019; Vecchi et al., 2019). Themes comprise reasons that would explain, justify, mitigate, or excuse the crisis and addresses distorted thinking by putting a “different spin” on the situation. For example, the negotiator might say: “You stole the money only because you didn’t have the money to buy your son a birthday present.” Defense mechanisms use rationalization and projection of blame to reduce volatile emotions, whereas minimization downplays any negative behavior exhibited by the subject. For example, the negotiator might say: “You drove the getaway car, but you didn’t know that those guys were going to rob the bank.” Blending happens when the negotiator and subject agree where they can without conceding, and reduces real or perceived differences, culminating in finding common ground. For instance, the negotiator might say: “I know we can agree that you want to safely get out of this situation without looking bad.”

The Importance of Negotiator Credibility on Persuasion

At the heart of LECN is the ability of the negotiator to build credibility with the subject, via communication skills. Credibility is “the pivot point of persuasion” (Hogan, 2011, p. 57) and ultimately behavioral change. Credibility is the ability of the negotiator to be perceived as both competent and trustworthy (Hogan, 2011). Competence is expertise and can be demonstrated subtly to the subject through successfully reframing the problem to change the subject’s perception. Trustworthiness is the ability of the negotiator to demonstrate empathy and generate rapport.

Developing credibility can be tenuous at times; however, it is necessary if negotiation is to be successful, especially during crisis situations. In most cases, the negotiator has little or no prior experience with the subject and the subject is not inclined to welcome or include the negotiator in resolving the crisis (Doering, 2016). When initially interacting with the negotiator, the subject forms a first impression of the negotiator. This typically results in instantaneously categorizing the negotiator, usually in a negative manner, as the result of preconceived notions or experiences with other people who appear like the negotiator (Hogan, 2011). Any intervention requires the negotiator to influence the subject to change their behavior in order to end the crisis. Notice that the emphasis is on influencing the subject to change their own behavior rather than the negotiator making the subject change it. This point is critical because, unless or until physical control of the subject is established, there is no way, for example, to force the subject to NOT hurt themselves or others if the subject is

inclined to do so. Therefore, the only real safe alternative is to influence the subject to voluntarily comply (Vecchi, 2019). This, of course, is not easy because people in crisis are usually highly emotional and often unreasonable (Caplan, 1961; Carkhuff & Berenson, 1977; Roberts, 2000). Thus, if a resolution is prematurely suggested before credibility and rationality are established, and before the subject is ready to accept the negotiator's suggestions, then the chances of positively overcoming the crisis is greatly diminished.

Deception by the negotiator is usually avoided during LECN simply because if you tell the truth, you don't have to remember what you say (DeMichele, 2016). Deception is problematic for that very reason because it adds the burden of the negotiator having to remember each lie in order to progress through the negotiation, which can result in a total loss of negotiator credibility if the subject senses deception. That said, there are good reasons for the negotiator to engage in deception such as in imminent life-threatening situations (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Roberts, 2000; Slatkin, 2005; Vecchi, 2019; Vecchi et al., 2019). For example, when a paranoid schizophrenic subject has injured or killed a hostage because of his fear that the police are coming to get him; the negotiator deceptively lures the subject to a window to show that the police have moved back, all for the purpose of providing a police sniper with a clear shot to kill the subject.

Making Contact and Entering the Conversation

One thing to keep in mind is the importance of contacting the subject as soon as possible and keeping the suspect engaged. This process buys time and is called verbal containment (Vecchi, 2019). Verbal containment is beneficial for the following reasons: (a) it occupies subjects in order to reduce the likelihood of their hurting themselves or others, (b) it puts pressure on the subject to keep talking, (c) it permits better decision-making through the gathering of information (interviews of family and friends, medical records, psychological records, etc.), (d) it assists in assessing the needs of the subject, (e) it reduces stress and anxiety, (f) it allows for the development of a positive relationship between the negotiator and subject, and (g) it reduces the subject's expectations (Dalfonzo & Flood, 2002; Vecchi, 2009a, 2009b, 2009c, 2019).

When first speaking with the subject, negotiators should introduce themselves by stating their name and agency or organization they work for. For example: "Hi, I'm Greg with the FBI. Are you okay?" Notice that there is no mention of any sort of rank or title, which keeps the message on a more personal level, yet it is clearly relayed that the negotiator is a law enforcement officer. In furtherance of this, the negotiator should also attempt to refer to the subject by his or her name and ask permission to use the subject's first name if possible (Vecchi, 2009a, 2009b, 2009c, 2019).

Among the first things to determine is lethality and injury. In assessing these, the negotiator should first ask the subject if he or she is okay. This approach often places the subject off-balance because the subject is unlikely to have expected the negotiator would care about his or her situation. This approach goes a long way toward setting the stage for developing credibility and trust between the negotiator and subject (Ireland & Vecchi, 2009). The negotiator should also ask if anyone else is hurt and if medical attention is necessary. This

question serves not only to assess medical needs, but it goes toward personalizing the captives and lessening the subject's perception of them as objects (Vecchi, 2009a, 2009b, 2009c, 2019).

One thing to make clear is the fact that the negotiator is not going away and that he or she is there to help the subject, as often the subject does not want the negotiator present and simply asks the negotiator to "go away" (McMains & Mullins, 2015; Vecchi, 2009a, 2009b, 2009c, 2019). In response, the negotiator may say: "I'm not going away, I'm here to help you." The subject may respond: "You don't care about me, you're just a cop!" In response, the negotiator may say: "You're right, I am a cop, but I don't have to be here. I am here because I really care about you and how you're feeling."

One common concern of persons in crisis is the perceived threat that they will be overrun, thereby losing control of a situation that they are so desperately trying to control (Caplan, 1961; Carkhuff & Berenson, 1977; Roberts, 2000). One tactic to reduce this concern is for the negotiator to say: "You have things under control in there and we have things under control out here. Let's keep things under control together so it doesn't get taken out of our hands. I am here to help you." This approach puts the impetus of stabilization on the subject and characterizes the interactions between the negotiator and subject as a team effort (Dalfonzo & Flood, 2002; Vecchi, 2009a, 2009b, 2009c, 2019).

Responsibility and accountability for action is an important ground rule to establish up front. In furtherance of this, the subject may say: "If you come in here, I will kill the girl and it will be all your fault!" The negotiator should say: "I'm not coming in there, but if you hurt her it will be your responsibility and not anyone else's, so let's get back to what we were talking about . . . you sound angry, what happened?" With this response the negotiator makes clear that the subject is solely responsible for his or her actions (Dalfonzo & Flood, 2002; Vecchi, 2009a, 2009b, 2009c, 2019).

Behavioral Change

Behavioral change in the form of compliance will occur only if the negotiator has effectively built credibility with the subject and returned the subject to a rational state of mind. During the negotiation, the subject may experience obstacles to agreement such as the perception of unsatisfied needs, fear of losing face, not being vested in the solution, not yet ready for agreement, a sense of being misunderstood or mistreated, or feeling aggrieved or maligned. Overcoming these obstacles requires the negotiator to listen to the subject, acknowledge the subject's point of view, agree wherever possible without conceding personal morals or values, create a positive atmosphere for problem resolution, and avoid arguing.

It cannot be stressed enough that the key to behavioral change and successful tactical negotiation and crisis intervention is a positive relationship between the negotiator and the subject, via the implementation of active listening, empathy, rapport-trust, and influence strategies and tactics (Hendricks & Byers, 2002; Ireland & Vecchi, 2009; Vecchi, 2009b, 2009c; Vecchi et al., 2005; Wiger & Harowski, 2003). It is only at this point that the subject will do as the negotiator suggests for no other reason than the fact that the negotiator asked the subject to do so.

Challenges and Future Research

Several challenges surround the application of LECN and require future research. These challenges include the cultural, environmental, and personality aspects of a subject, as well as online negotiations (social media).

In most cases, negotiators engage subjects who pose an imminent danger to human life with little or no background knowledge of the subject. This necessitates immediate action on the part of the negotiator to engage the subject in conversation in order to establish and maintain verbal containment (Goergen, 2018; Greenstone, 2005; King et al., 2016; Lanceley, 2003; McMains & Mullins, 2015; Roberts, 2000; Slatkin, 2005; Vecchi, 2019; Vecchi et al., 2019). It is via the use of verbal skills that the negotiator assesses the mindset of the subject and the best negotiation tactics to use in order to gain voluntary compliance (Vecchi, 2019). In these situations, it is often impossible to know the cultural values, background (environment), and unique personality traits of the subject. This problem is overcome by the very nature of LECN, which is elicitive rather than prescriptive. LECN makes no assumptions about the subject or injects any perspectives or meaning in the conversation but rather elicits and reflects all the content of the conversation directly from the mouth of the subject (Vecchi, 2019). In other words, the process influences the subject to tell the negotiator exactly what is or is not important. This, of course, does not mean that prior knowledge of the subject's background or mindset is not valuable; it is just that in most cases it is unavailable due to the requirement that the negotiator must immediately engage the subject in conversation upon contact. Research is needed to ascertain methods by which negotiators can increase the speed by which they can obtain and verify cultural-, environmental-, and personality-related information.

Another challenge is in the use of social media and texting, as some subjects will only communicate using their electronic devices (Van Hasselt et al., 2008; Vecchi, 2003b; Vecchi et al., 2005). Some research and experience have demonstrated that LECN has utility even in the absence of identifiable inflection (tone and pitch), pace, and volume of the voice of the subject such as during online texting or chatting (Vecchi, 2003b). Although these verbal elements certainly add to the ability of the negotiator to assess the mindset of the subject, they are not absolutely necessary because the elicitive nature of LECN requires that subjects explain and express what is important to them without any guessing on the part of the negotiator. If video is used by the subject during online negotiations, this may be more advantageous to the negotiator because nonverbal communication information would be available for assessment by the negotiator (as opposed to in-person, face-to-face negotiations where officer safety concerns usually require the negotiator speak over a telephone or through cover). Research is needed to fully develop and implement LECN into online negotiations involving social media.

Conclusion

The underlying duty of every law enforcement officer is the enforcement of the law, which often requires compliance on the part of those with whom the officer engages. Unlike in civilian encounters, the law enforcement officer cannot disengage or simply walk away from those who refuse to comply (Vecchi, 2019). As such, the Compliance Continuum provides approaches for gaining compliance in both voluntary and involuntary situations (Vecchi,

2019). Voluntary compliance is obtained through verbal skills and is the preferred compliance method; however, if negotiations fail or are inappropriate, involuntary compliance measures must be employed (less-than-lethal tactics or deadly force options) (Vecchi, 2019). Regardless of the situation, it is the behavior of the subject that dictates the approach.

Organizationally, voluntary compliance is the domain of law enforcement negotiators and involuntary compliance is the domain of tactical operators (Vecchi, 2006). Both teams work together under the direction of the Incident Commander, who dictates the management and outcome of the critical incident based on the actions or inactions of the subject (Vecchi, 2002, 2006).

LECN falls within the voluntary compliance domain and approach to resolving critical incidents (Vecchi, 2019). It is based on assessing the behavior of the subject in terms of instrumental or expressive behavior (Ireland & Vecchi, 2009; Vecchi, 2009b, 2019; Vecchi et al., 2005, 2019). Instrumental behavior is rational and cognitive, whereas expressive behavior is irrational and emotional. Approaches to instrumental behavior include bargaining and principled negotiation, whereas expressive behavior requires the use of crisis intervention and de-escalation approaches. To deal effectively with both instrumental and expressive behavior, the negotiator must appear credible to the subject. The BISM provides the model for the negotiator to build credibility with the subject and ensure the subject returns to or maintains a rational state of mind through the application of active listening, empathy, rapport-trust, and influence skills (Dattilio & Freeman, 2000; Ireland & Vecchi, 2009; Patterson et al., 2012; Vecchi, 2019; Vecchi et al., 2005, 2019). Once influence is obtained, the negotiator can effect behavioral change on the part of the subject and resolve the situation in the favor of law enforcement.

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With this article, I have updated, revised, added, and improved upon the body of work that currently makes up the discipline of law enforcement hostage and crisis negotiation.

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