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CONFLICT AND CRISIS NEGOTIATION: THE NEGOTIATED RESOLUTION MODEL

Gregory M. Vecchi

BEHAVIORAL SCIENCE UNIT, FBI ACADEMY

This opening chapter bridges the gap between theory and practice by presenting a model for the attainment of desired negotiated outcomes. The negotiated resolution model (NRM) works in all aspects of negotiation but it is especially effective in high-conflict (instrumental) situations such as barricaded hostage or kidnapping events, as well as in crisis (expressive) situations such as barricaded crisis, suicide and psychopathological-related events. The NRM proposes a method for attaining a specified negotiated outcome based on the assessment (initial and continuous) of the subject's needs, conflict behavioural patterns and state of mind in order to determine the appropriate verbal skill sets to be employed. Embedded in the model is the continuous application of the Behavioral Influence Stairway Model (BISM: Van Hasselt *et al.* 2008), which is used to develop and maintain a relationship and credibility between the negotiator and the subject (individual in crisis/conflict) during problem-solving and crisis intervention processes, as well as dealing effectively with emotions during crisis intervention. Also embedded in the NRM are interaction manipulation techniques aimed at reframing the situation and influencing the perspective of the subject in order to obtain the desired outcomes of the negotiator. The chapter also focuses on when and how to use conflict and crisis negotiation techniques.

Negotiated resolution model

The NRM is a methodology by which to obtain desired negotiated outcomes through the assessment of the subject's needs and conflict behavioural patterns in order to determine instrumental or expressive states of mind. Once the type of mindset is determined, the negotiator is then able to select the most effective verbal skill sets to bring about the desired outcome: problem-solving for instrumental behaviour or crisis intervention for expressive behaviour (see Figure 1.1).

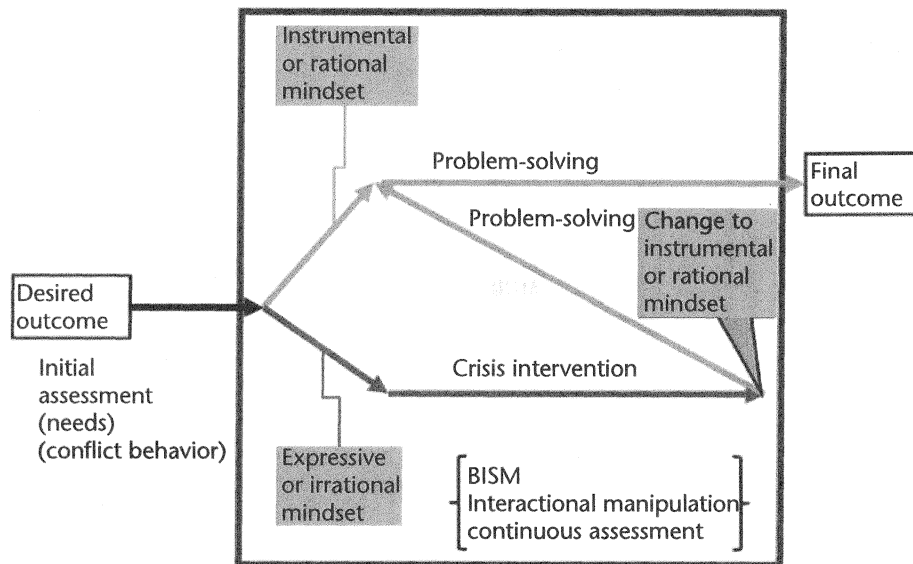


FIGURE 1.1 Negotiated resolution model

The NRM begins with the negotiator determining his or her *desired outcome* or end-game. For example, a law enforcement negotiator's desired end-game may be the surrender of the offender, whereas an investigator's desired end-game may be an admission or confession of guilt. In any event, it is critical to keep focused on the end-game throughout the negotiation even though it may be necessary to adjust it as a result of information obtained during the negotiation or because of circumstances outside the control of the negotiator. Once the negotiator determines the desired outcome, an *initial assessment* of the subject's needs (i.e. desires, objectives, values, etc.) and conflict behaviour (accommodating, avoiding, collaborating, competing or compromising) are used to determine instrumental or expressive mindsets. If it is determined that the subject has an *instrumental* or *rational mindset*, the negotiator would use *problem-solving* or *conflict negotiation* techniques to obtain the desired outcome. On the contrary, if it is determined that the subject has an *expressive* or *irrational mindset*, the negotiator would use *crisis intervention* or *crisis negotiation* techniques aimed at bringing the subject to a more instrumental or rational state of mind, at which point the negotiator would initiate problem-solving techniques to arrive at the final outcome. Throughout the process, the negotiator uses the *BISM* to develop and maintain a relationship and credibility between the negotiator and the subject during problem-solving and crisis intervention, as well as dealing effectively with emotions during crisis intervention in furtherance of moving the subject to a rational mindset. Moreover, the negotiator also uses *interactional manipulation* techniques aimed at reframing the situation and influencing the perspective of the subject in furtherance of obtaining the negotiator's desired outcomes. Throughout the negotiation process,

continuous assessment is used by the negotiator to determine changes in mindset that signal adjustments regarding negotiation tactics in order to bring about the *final outcome*.

Determining outcomes

It is critical that the negotiator determine the *desired outcome* of the negotiation before interacting with the subject and keep the outcome in mind as the basis for the selection of the various strategies and tactics to be used during the negotiation. Ideally, the *final outcome* should match the *desired outcome*, such as surrender in a barricaded hostage situation or a confession during an interrogation; however, this may not be possible as a result of new information obtained during the negotiation, the behaviour of the subject or because of circumstances outside the control of the negotiator. For example, in 1999, Cuban prisoners took the warden and several correctional officers hostage at a correctional institution in St Martin Parish, Louisiana (Associated Press, 1999). The prisoners, who had finished their sentences, demanded that they be set free or they would kill the staff. As the negotiation progressed, it was determined that the prisoners had indeed completed their sentences but could not be released because they were Cuban citizens without legal status in the United States and Cuba refused to take them back. This situation resulted in them being in a 'legal limbo' which prevented their release into the United States or being deported abroad. Ultimately, a country agreed to take them, which resulted in the release of the hostages and their deportation out of the United States. In this example, the *desired outcome* of the negotiation was the release of the hostages without concessions; however, the *final outcome* had to be adjusted due to new information, legal considerations and decisions outside the control of the negotiators. Adjusted outcomes can also be based on the behaviour of the subject. For example, a commonly *desired outcome* of negotiation is the surrender of the offender without violence. This of course is dependent on the actions or inactions of the offender. If the offender kills a hostage on a deadline or if an individual who has symptoms of paranoid schizophrenia begins to shoot at police, then the *desired outcome* of no violence must be adjusted to a *final outcome* of deadly force. In this case, the negotiators might (reflecting the UK approach) assist the tactical operators by persuading the offender to move near a window so the tactical team has the opportunity to use deadly force via sniping, for example.

Assessing the subject

Assessing the subject involves evaluating his or her needs and conflict behavioural patterns. This step is critical to determining the mindset of the subject and choosing the most effective negotiation strategy and tactics for obtaining the negotiator's desired outcome.

Subject needs assessment

People communicate for the purpose of satisfying needs, whether they are substantive or expressive (Vecchi, 2002, 2003, 2004, 2009a, 2009b). Conflict occurs when there is a perceived blocking of important goals, needs or interests of one person or group by another person or group (Wilmot and Hocker, 1998). When this occurs, people tend to respond with the intention to remove the block in order to satisfy the need. For example, in a child custody battle, the losing parent (whose need to have her children is blocked by her former husband via a court order) could respond constructively by taking her ex-husband back to court or destructively by taking her children by force. Depending on the action taken, the behaviour can be adaptive or maladaptive (Rosenbluh, 2001). For instance, the wife could take an adaptive approach by returning the children and seeking counselling, or she could take a maladaptive approach by taking the children hostage, barricading herself and threatening to kill them if she is not awarded custody. In both approaches, the wife is attempting to resolve her conflict; however, the manner used to resolve the conflict in order to satisfy the need is a function of the wife's perception, previous experiences, level of resiliency and coping skills, which need to be accurately assessed by the negotiator.

Wilmot and Hocker (1998) see needs as falling into one of four general categories: (1) content, (2) relational, (3) identity and (4) process (CRIP). Content needs are external and tangible, such as food, money or transportation. These needs are fairly easy to ascertain because they are easily communicated by the subject to the negotiator. For example, robbing a bank in order to support a lavish lifestyle would be an example of a content need (money). Some common perceptions of conflict relating to content needs assessment include:

- People want different things.
- People want the same things.
- Perception of scarce resources.

Sometimes it is necessary for the negotiator to reframe these perceptions in a manner that makes the subject rethink his or her position, such as in the example of the orange (Vecchi, 2009a: 37).

Monica and Janice are roommates. In their refrigerator is one orange, which they both need. Both Monica and Janice state that they want the orange, and they refuse to split it, therefore either Monica or Janice will get the orange or no one will. On the surface, it appears that they want the same thing and there are not enough resources (oranges) to satisfy their needs; however, through further inquiry, the negotiator determines that Monica wants to eat the meat of the orange and Janice wants to use the peel of the orange to bake a cake. The situation can now be reframed and described as Monica and Janice wanting different things with sufficient

resources rather than them wanting the same thing with scarce resources. This changes the perception of Monica and Janice from one of conflict to one of collaboration allowing for the needs of both parties to be satisfied. Monica gets to eat the fruit and Janice gets the peel for cooking.

Relational needs have to do with the way people treat each other with regard to respect and interdependence. Everyone has different expectations as to how they expect to be treated and these expectations differ based on social status and roles. For example, a person has different expectations with regard to interactions with their children versus parents versus peers versus supervisors, etc. If these expectations are not met, then negative feelings of disrespect and over-control will prevail (Vecchi, 2009a, 2009b).

Identity needs have to do with self-esteem issues with regard to saving face and protecting the self-image from the threat of feelings of humiliation, embarrassment, exclusion, unimportance and being demeaned. More importantly, identity needs translate directly to the need for physical and emotional security, recognition, control, dignity and accomplishment. These needs are the most personal of the CRIP needs, thus they are the hardest to disclose by the subject to the negotiator (Vecchi, 2009a, 2009b).

Process needs relate to the structure or forum of the dialogue such as the degree of creativity, participation and formal/informal and public/private contexts. Process needs are a matter of preference and are connected to personality. For example, in the case of a contested divorce, a married couple often has the option of choosing to resolve the divorce through court or mediation.¹ If the couple each differed in their preferences regarding court and mediation (formal versus informal), then the person who did not obtain their preference would experience a conflict with regard to process needs (Vecchi, 2009a, 2009b).

It can be difficult for the negotiator to accurately assess CRIP needs, especially relational and identity needs, simply because these needs are often of a very personal nature and emotion-based and the subject will hide or not reveal these needs until he or she is comfortable and trusts the negotiator. In these cases the negotiator must listen carefully to the context of the situation in order to gauge the accuracy of the needs assessment. Some people may initially be hesitant to reveal conflict associated with relational and identity needs but, in the interest of cooperation, may instead reveal a content need that is in conflict, which is only a symptom of the problem. For example, in a divorce mediation, a wife complains that her spouse is a 'bad husband' because he does not make enough money for them to raise their son in the manner in which he deserves (content need conflict). Based only on that information, the mediator suggests three options: (1) the husband could find another job; (2) she could get a job; or (3) they could remove their son from private school and buy his clothes at discount stores. All of these suggestions serve to increase the amount of money available to the family; however, it turns out that lack of money is only a symptom of a bigger problem. When examined further, it is determined that the husband

never lets his wife have any say in the way their son is raised; he dictates what he wears, where he goes to school and what sports he plays, which makes her feel excluded and demeaned (identity need conflict), as well as disrespected and controlled (relational need conflict). This overlap of CRIP needs is common early on in a negotiation, especially when it relates to identity and relational needs conflict. Negotiators should be aware that conflict in the context of interpersonal relationships oftentimes has identity and relational needs at its core, even though the subject may indicate content and process needs as being the primary issue. In other words, content need conflict solutions rarely succeed in interpersonal disputes (Vecchi, 2009a, 2009b).

Subject conflict behaviour assessment

When a person's needs, values, objectives, goals or desires are perceived to be blocked or delayed, conflict ensues, which causes certain behavioural tendencies or 'knee-jerk' reactions to the conflict. These reactions are subject to a person's personality make-up, which usually remains consistent throughout their lifetime with the exception of substance abuse, certain brain injuries and some mental disorders such as psychosis. In other words, a person's conflict behaviour or reactions to conflict are somewhat 'hardwired' and remain stable although these characteristics may mellow with age. Of course, this does not mean that a person automatically becomes a slave to his or her reactions; with effort, these unconscious tendencies can be managed and new behaviours learned (Vecchi, 2009a, 2009b).

Thomas (2002) posited that conflict is 'the condition in which people's concerns – the things they care about – appear to be incompatible' (p. 3). This view of conflict allows recognition that people have choices in how they deal with conflict and how the conflict process can be controlled through constructive choices. Thomas and Kilmann (1997) posit that assertiveness and cooperativeness are the most basic dimensions for describing choices in a conflict situation. Assertiveness is the degree to which a person tries to satisfy his or her own concerns and cooperativeness is the degree to which a person tries to satisfy the other person's concerns. Along these two dimensions fall five conflict handling modes: competing, collaborating, compromising, avoiding and accommodating. Figure 1.2 graphically depicts the assertive and cooperativeness dimensions along the x (cooperativeness) and y (assertiveness) axes. The five conflict modes are grouped along various dimensions in relationship to assertiveness and cooperativeness. When reading this figure, it is important to note where on the assertiveness/cooperativeness continuum a specified conflict mode falls.

When a competing mode is used, the person is both assertive and uncooperative, and satisfies his or her own needs at the expense of another. Collaborating is both assertive and cooperative, where a person tries to find a win-win solution that completely satisfies the concerns of both persons. Compromising is intermediate in both assertiveness and cooperativeness, where the person tries to find an acceptable solution that only partially meets both people's concerns. Avoiding

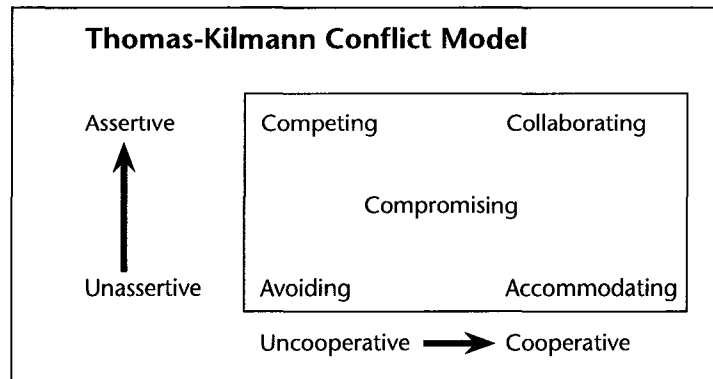


FIGURE 1.2 TKI Conflict Model (Thomas and Kilmann, 1997).

is both unassertive and uncooperative, where a person sidesteps the conflict without trying to satisfy either person's concerns. Accommodating is unassertive and cooperative, where a person tries to satisfy the other person's concerns at the expense of his or her own. It should be noted that these conflict-handling modes are aims or goals in a conflict situation rather than specific behaviours (Vecchi, 2006, 2009a, 2009b).

It is important to remember that none of these behaviours, by themselves or in a vacuum, are inherently good or bad. They all have costs and benefits and should be judged entirely within context; the success in handling conflict lies in knowing when to use each mode and having the skills to perform each mode effectively (see Table 1.1).

TABLE 1.1 Costs and benefits of conflict behaviours

<i>Conflict behaviour</i>	<i>Costs</i>	<i>Benefits</i>
<i>Accommodating</i>	Sacrifices needs Loss of respect Loss of motivation	Helps other party Restores harmony Builds relationships
<i>Avoiding</i>	No relationship Delays Resentment	Reduces stress Steers clear of danger Buys time
<i>Collaborating</i>	Time and energy Psychologically demanding Vulnerable disclosures	High-quality decisions Resolution and commitment Strong relationship
<i>Competing</i>	Strained relationships Decreased motivation Escalation of deadlock	Asserting position Possibility of quick victory Fast decision-making
<i>Compromising</i>	Partially sacrificed needs Superficial understandings Conflict not resolved	Pragmatic and fair Speed and expediency Maintaining relationships

For example, there has been much written on the benefits of a universally collaborative or ‘win-win’ approach to everything, which has even found its way into some US schools where ‘everyone wins’ even in competitive sports. This ‘everyone gets a trophy’ mentality relies on the assumption that collaboration or ‘win-win’ is always preferable over other methods of conflict behaviour; however, it fails to adequately prepare children for real sports and real life where there actually are winners and losers. Another example involves emergency situations where it may be more prudent to take a competing approach rather than a collaborative one when it comes to saving lives, such as when a staff member orders visitors out of a building during an outbreak of fire.

Outcome and relationship variables

The previous discussion of the importance of properly assessing and understanding subject needs conflict and conflict behaviour provides a baseline from which to engage in effective negotiation. This baseline provides a starting point for determining the *outcome* and *relationship* variables between the negotiator and the subject, and that provides the strategic basis from which to determine the most effective negotiation tactics aimed toward obtaining the negotiator’s desired outcome (see Figure 1.3).

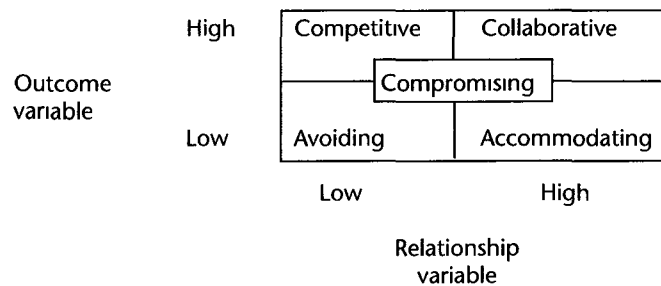


FIGURE 1.3 Conflict behavioral spectrum.

This process starts with the negotiator making a judgment as to the degree of importance placed on the desired outcome compared to the degree of importance placed on the relationship with the subject (Vecchi, 2006, 2009a, 2009b):

- If the negotiator places high importance on both the outcome of the negotiation and the relationship with the subject then the negotiator should engage in collaborating behaviour.
- If the negotiator places low importance on both the outcome of the negotiation and the relationship with the subject then the negotiator should engage in avoiding behaviour.
- If the negotiator places high importance on the outcome of the negotiation and low importance on the relationship with the subject then the negotiator should engage in competing behaviour.

- If the negotiator places low importance on the outcome of the negotiation and high importance on the relationship with the subject then the negotiator should engage in accommodating behaviour.

Typically, compromising behaviour should not be pursued as a desired outcome by the negotiator because it tends to only postpone the conflict for another time and can provide mixed signals to the subject. Of course, there are times when the outcome of the negotiation ends up becoming a compromise due to factors beyond the control of the negotiator (e.g. forced time limits, political interference, etc.).

Interactional manipulation

Sometimes there are situations that require the negotiator to obtain a specific outcome without regard to the relationship with the subject, such as in certain life-threatening situations. Barricaded hostage situations are one example. In these situations, the police cannot force the offender to surrender because there is a barricade or obstruction between the police and the offender (e.g., a wall, door, vehicle, etc.) so the only avenue of resolution is to convince the offender to surrender through negotiation. Normally in situations where the *desired outcome* of the negotiator overrides the importance of the relationship with the subject, the negotiator will engage in competing behaviour; however, in a barricaded hostage situation, engaging in competing behaviour would place the hostage in danger. These situations require the negotiator to engage in *interactional manipulation*, where the subject perceives that the negotiator is being collaborative when in reality the negotiator is actually engaging in competing behaviour.

Interactional manipulation is used to facilitate the desired outcome of the negotiator in instances where overt competing behavioural patterns would impede obtaining the negotiator's desired outcome. It is a subtle form of manipulation that works on affecting the perception of the subject by making it appear that the negotiator is being collaborative when s/he is not. The process begins by obtaining an agreement between the negotiator and the subject on the outcome of the situation which is cloaked in abstractness on the part of the negotiator. For example:

A man addicted to prescription drugs uses forged scripts that he stole from a doctor to obtain Oxycontin and Valium from a local pharmacy. On his third attempt to obtain the drugs, the pharmacist, who realises the script is forged, refuses to provide the drugs to the man, who is experiencing severe withdrawal symptoms. In a fit of desperation, the man jumps over the counter and takes the pharmacist hostage while holding a knife to his throat. The police arrive and begin to negotiate with the man.

In this situation the negotiator must obtain the surrender or neutralisation of the offender or the pharmacist may die. To directly articulate this outcome to

the offender would only serve to increase the danger to the hostage, so the negotiator must reframe the outcome in terms of 'helping' the offender and getting agreement with the offender on his (offender's) desire to be 'helped'. The negotiator does this by informing the offender that he knows the offender has a drug addiction problem and that he is not a criminal, just someone who made a mistake. The negotiator frames his 'help' in terms of the offender possibly going to a rehabilitation centre rather than jail in order to get help. As time passes, the offender's high emotional level will dissipate and he will most likely want help in getting out of the situation without painful consequences and he will look to the negotiator to assist him, as long as the negotiator is perceived as being collaborative.

In high-risk and dangerous situations, it is important to cement or freeze the *outcome* and *relationship* variables as high for both the negotiator and subject. This is accomplished by the negotiator obtaining an agreement with the subject on a specific outcome. In the above example, both the negotiator and the offender had different desired outcomes that were at odds with each other, which created a stalemate, in which the negotiator needed the offender to surrender and the offender needed his drugs and escape. In order for the negotiator to prevail, he had to define the outcome in a more abstract manner that was both palatable and agreeable to the offender. Once there was agreement on the part of the offender to be 'helped' (high outcome variable) and the negotiator was perceived by the offender as an ally in getting that 'help' (high relationship variable) then the offender exhibited collaborating conflict behaviour (see Figure 1.3). In analysing this situation, the negotiator actually maintained a competing conflict behaviour throughout the negotiation; however, by framing both variables in terms of 'helping,' the negotiator manipulated the offender's perception of the negotiator's conflict behaviour as collaborating, which influenced the offender to also collaborate, resulting in the offender ultimately surrendering.

A key point to this process is the purposeful absence of clarity on exactly what the negotiator means by 'help.' To the negotiator, 'help' simply means the surrender or neutralisation of the subject; exactly how this occurs is ultimately dependent on the action or inaction of the subject. For example, the offender in the above example agreed to surrender after rehabilitation became a believable option; however, if the offender had killed the pharmacist, the negotiator would have assisted the SWAT team in a tactical resolution such as influencing the offender to move towards a window so a sniper could apply deadly force. Regardless of the manner of the resolution, the negotiator obtains his or her objective, which is the surrender or neutralisation of the subject. Although both negotiated and tactical outcomes are legitimate depending on the actions or inactions of the offender, it is always preferable to resolve high-risk or dangerous situations in a peaceful manner by influencing the subject to engage in collaborating conflict behaviour.

Assessing instrumental and expressive behaviour in conflict and crisis situations

The ability to accurately assess instrumental and expressive behaviour in conflict and crisis situations it is critical to successfully employing the most effective *conflict* and *crisis negotiation techniques*. To do this, the negotiator needs to carefully observe verbal and non-verbal cues that indicate whether the subject is rational (instrumental) or not (expressive). For example, people communicate on two levels: content and emotion (NCNC, 2003; Vecchi, 2009a, 2009b; Vecchi, *et al.*, 2005). These levels vary depending on the degree of conflict or crisis that a person is experiencing. For example, someone can say, 'I hate you' or 'I HATE YOU!' In both instances, the content is the same, but the emotional component is different; the former indicates content with no emotion or *instrumental behaviour* whereas the latter indicates content with emotion (in the form of anger) or *expressive behaviour* (Vecchi, 2009b) (see Figure 1.4).

Instrumental behaviour is prevalent in *conflict situations*, which are characterised by parties who are rational and goal-directed, produce substantive demands and require an outside party (law enforcement, negotiators, mediators, etc.) to assist in order to meet their needs (Vecchi *et al.*, 2005; Vecchi, 2002, 2006, 2009a, 2009b, 2009e). Examples of conflict situations include barricaded hostage situations, kidnapping, divorce mediation and political terrorism. In instrumental situations the focus is on *content* or *process* needs, such as trading hostages for ransom. Instrumental situations are rational and require problem-solving approaches (Fisher *et al.*, 2001; Vecchi, 2009a, 2009b, 2009e; Vecchi *et al.*, 2005). Expressive behaviour is prevalent in *crisis situations*, which are characterised by parties who are irrational, have no clear goals, produce non-substantive demands and are resistant to the

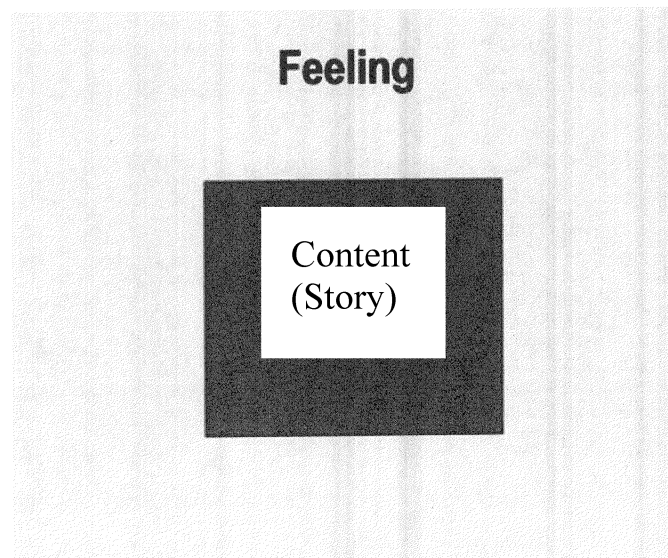


FIGURE 1.4 Content feeling levels (Vecchi, 2009b).

effort by others to resolve the situation (NCNC, 2003; Strentz, 2006). Examples of crisis situations include suicidal individuals, people with mental illness and grief/bereavement situations (Vecchi, 2009b, 2009c, 2009e). In expressive situations the focus is on *relational* or *identity* needs, such as ventilating emotion, saving face or earning recognition (Lanceley, 2003; McMains and Mullins, 2006; Rogan *et al.*, 1997; Slatkin, 2005; Strentz, 2006; Vecchi, 2009a, 2009b, 2009e; Vecchi *et al.*, 2005). In addition, expressive situations have the additional element of the subject having exceeded his or her ability to cope. Expressive situations are irrational and require crisis intervention approaches.

If the subject is displaying seemingly rational behaviour, then the negotiator would use problem-solving or *conflict negotiation techniques* (principled negotiation, bargaining); however, if the offender is displaying seemingly irrational behaviour, then the negotiator would use *crisis negotiation techniques* (crisis intervention) (Fisher *et al.*, 2001; Strentz, 2006; Vecchi, 2003, 2004, 2009a, 2009b, 2009e; Vecchi, *et al.*, 2005). Although this distinction seems clean, it is much harder to put into actual practice because sometimes instrumental and expressive behaviour can be difficult to accurately assess. For example, some cultures express rational behaviour as highly emotional and animated. To the uninitiated, it would seem the person was being irrational and in crisis, where in reality he or she was totally rational. Likewise, some cultures may not place an emphasis on emotion, which could be viewed as being rational even though a person is in crisis and has exceeded his or her ability to cope. In both of these situations, if the negotiator applies the wrong strategy and tactics, then the situation will only get worse and possibly result in violence. This is precisely why conflict and crisis negotiation is both an art and a science that requires both study and practice to be effective (Fisher and Kennett, Chapter 7 this volume).

It is not unusual for instrumental and expressive behaviour to oscillate back and forth in conflict and crisis situations, such as going from instrumental-to-expressive in conflict situations and expressive-to-instrumental in crisis situations. For example, the mediation process employs an outside person (e.g. law enforcement officer, mediator, facilitator, etc.) to assist the parties with resolving their conflict and obtaining an agreement through problem-solving techniques and strategies; however, sometimes during these sessions, emotions flare and impediments to resolution occur. When this occurs, a 'high conflict' situation arises, which requires the outside person to continue the process (albeit in a more cautious and focused manner) using principled negotiation techniques (Fisher, *et al.*, 2001; Ury, 1991). If a situation arises where one or both of the parties exceed their ability to cope, usually as a result of feeling hopeless, helpless or powerless with respect to meeting their needs, then the situation turns into a crisis event. This changeover to crisis status requires the negotiator to suspend the problem-solving process and immediately begin crisis intervention using active listening techniques with the goal of returning the parties to their pre-crisis state (Rogan *et al.*, 1997; Slatkin, 2005; Vecchi, 2009a, 2009b, 2009e; Vecchi *et al.*, 2005). Once this state is reached, the problem-solving process can resume (Vecchi, 2009a, 2009b; Vecchi *et al.*, 2005).

Hostage-taking and victim-taking situations

The concept of instrumental and expressive situations, and their respective problem-solving and crisis intervention approaches, can be directly applied to specific conflict and crisis situations (Vecchi, 2009e). For example, hostage-taking (conflict) situations involve the involuntary holding of a person captive for 'instrumental' or tangible reasons; the individual needs the police or other authorities to meet specific demands (e.g. ransom, transportation, money) (Vecchi, 2002, 2003, 2009a, 2009b, 2009e). In these events, the captive is used as leverage to obtain other substantive goals (Vecchi, 2009a, 2009b; Vecchi *et al.*, 2005), such as when foreign nationals hold prison guards captive in exchange for the release of political prisoners, money and transportation. The Russian hostage situation that occurred in September 2004 (see Marsh and Kennett, Chapter 8 this volume), involving the holding of children by Chechnya terrorists in exchange for releasing political prisoners (Mcevers, 2006) is an example of instrumental behaviour where problem-solving (*conflict negotiation*) techniques would be best applied.

In contrast, victim-taking (crisis) situations involve the involuntary holding of a person captive for 'expressive' or intangible reasons (Vecchi, 2009a, 2009b, 2009c, 2009d, 2009e; Vecchi *et al.*, 2005). Unlike hostage situations, the individual does not need the police or other authorities at the location. In these situations, the captive is held by a person who is in a highly emotional state (e.g. anger, jealousy, frustration), usually as a victim or 'homicide-to-be' (NCNC, 2003; Strentz, 2006), such as holding one's spouse captive as a result of an extra-marital affair or rejection due to 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. In these situations, the person is oftentimes depressed or suicidal because of a real or perceived loss and the inability to cope with that loss (Strentz, 2006), such as being fired from a job or rejection by peers or loved ones. In crisis (captive and lone) situations, crisis intervention (*crisis negotiation*) techniques would be best applied (Vecchi, 2009a, 2009b).

Conflict negotiation (problem-solving)

Problem-solving is the process by which the negotiator helps the subject explore other alternatives and solutions to the conflict. McMains and Mullins (2006) identify the following problem-solving steps:

- Defining the problem
- Brainstorming all possible solutions
- Eliminating unacceptable solutions
- Choosing a solution that both the negotiator and subject can live with
- Planning the implementation
- Implementing the plan

Part of effective problem-solving involves listening for distorted thinking on the part of the subject. As a result of life experiences, individuals develop different patterns of thinking. These thinking patterns influence how an individual perceives himself and how others perceive the individual. This can be viewed as a 'filter' through which the world is viewed, which may influence the subject's reaction to events and lead to emotional distress and crisis. Sometimes these distortions affect the potential for problem-solving and must be addressed by the negotiator (Vecchi, 2009a, 2009b).

Another factor in problem-solving involves the concept of problem ownership (NCNC, 2003). Although it is the duty of the negotiator to assist the person with problem-solving, the problem belongs to the person, not the negotiator. Each person 'owns' their own problems, thus they also 'own' their own emotional reaction to the problem and subsequent actions. It is important that the negotiator should never accept responsibility for another person's problem or actions because the final responsibility belongs to them. This sets an important social boundary that must be established and remain between the negotiator and the subject. For example, if the subject says, 'If I kill these people, you will be responsible for their deaths!' the negotiator should reject taking responsibility for the subject's proposed actions by saying, 'You will be responsible for their deaths because of your decision to do so' (Vecchi, 2009a, 2009b).

Principled negotiation

In conflict situations, rational, problem-solving strategies and techniques work best in most cases, especially approaches that provide the perception of the most collaborative gain for all parties and one which gives all stakeholders the perception of ownership throughout the process. Principled negotiation is the name given to the interest-based approach championed by Fisher *et al.* (2001). Principled negotiation is a problem-solving approach that advocates four fundamental principles to negotiation: (1) separating the people from the problem; (2) focusing on interests, not positions; (3) inventing options for mutual gain; and (4) insisting on objective criteria. Unlike positional bargaining, principled negotiation gives the perception of ownership of the outcome of the negotiation to all the stakeholders. This approach to negotiation addresses *content* and *process* need issues in conflict situations, such as barricaded hostage situations, kidnappings and high-stakes mediation where the parties are rational and focused on the outcome (Vecchi, 2009a, 2009b).

Separating the people from the problem refers to the emphasis of the negotiation whereby the negotiator focuses on the behaviour of the person, not the person as a whole. This assists in guarding against the perception that the negotiator is stereotyping the subject as being a 'bad person'. Instead, the negotiator should focus only on the subject's 'bad' behaviour so it can be isolated, thus providing the opportunity for the person to talk about it in the context of mitigation without fear of losing face (Fisher *et al.*, 2001; Vecchi, 2009a, 2009b).

Negotiating interests means negotiating about things that people really want and need, not what they say they want or need (Vecchi, 2002, 2003). People tend to take extreme positions designed to counter their opponent's positions; however, if asked why they are taking those positions, it often turns out that the underlying reasons – their true interests and needs – are actually compatible with and not mutually exclusive of the other's interests, as previously believed (Fisher *et al.*, 2001; Ury, 1991; Vecchi, 2009a, 2009b).

By focusing on interests, disputing parties can more easily fulfil 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 the original positions, which assume that for one side to win the other side must lose (Fisher *et al.*, 2001; Vecchi, 2009a, 2009b).

Insisting on objective criteria for decision-making is paramount. While not always available, if some outside, objective criteria for fairness can be found, this can greatly simplify the negotiation process. This gives both sides more guidance as to what is 'fair' and makes it hard to oppose offers within this range (Fisher *et al.*, 2001; Vecchi, 2009a, 2009b). Negotiators also need to know what alternatives are available, as prematurely accepting or rejecting an agreement may be worse than the one that might otherwise have been achieved if other alternatives had been explored (Fisher *et al.*, 2001; Ury, 1991; Vecchi, 2009a, 2009b).

As an example of principled negotiation, let's look at the previously mentioned scenario regarding the drug addict who took the pharmacist captive:

- *Separating the people from the problem.* Throughout the negotiation, the negotiator focuses on the behaviour of the offender and separates his 'bad' behaviour (taking the pharmacist captive) from the fact that the offender is suffering from a drug addiction and has no criminal record
- *Focus on interests, not positions.* As the negotiation progresses, the man becomes depressed and demands to be set free or he will kill himself. The negotiator focuses on the fact that the man needs help and the negotiator is there to help him via social support and coping suggestions.
- *Inventing options for mutual gain.* The man becomes focused on going to jail, which is not an option in his mind. The man's distorted thinking leads him to the assumption that there are only two options to resolving the situation: going free or going to jail, and he insists on going free. In response, the negotiator helps the man to articulate and discuss the 'universe' of possibilities (being killed, being set free, escaping, jail and rehabilitation). In the end, the idea of rehabilitation moves the negotiation out of stalemate, as the man gets 'help' and doesn't go to jail and the negotiator ends the situation with the apprehension of the man.
- *Insisting on objective criteria.* Once the negotiator and the man agree on the outcome (rehabilitation) the man is still concerned about being 'arrested' because he equates being arrested with going to jail. To overcome this fear, the negotiator 'paints the picture' of how the man is to surrender by telling

him that he will need to disarm himself and walk out of the pharmacy to police officers who will place handcuffs on him and take him to the office to be 'processed,' prior to seeing a medical doctor for rehabilitation options. The 'processing' is described to the man in terms of being 'booked', which is a universally accepted objective criteria that everyone has to endure regardless of whether they go to jail or rehabilitation.

Conflict negotiation techniques in law enforcement applications

By definition, conflict situations are rational and substantive and involve the perception that action is required in order to obtain the stated goals, needs or interests (Lanceley, 2003; McMains and Mullins, 2006; Rogan *et al.*, 1997; Slatkin, 2005; Strentz, 2006; Vecchi, 2009a, 2009b, 2009e; Vecchi *et al.*, 2005). For example, in barricaded hostage 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). 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 (Cooper, 2004; Vecchi, 2009a, 2009b).

Historically, the most successful traders are those who can best understand the other party's needs and desires and who are capable of developing and operating the means to take advantage of them. In these situations, the best deals are those that provide the highest measure of perceived satisfaction to both parties (Cooper, 2004; Vecchi, 2009a, 2009b). In most cases, the negotiator is faced with demands that he or she cannot meet (releasing political prisoners, changing foreign policy, escape, promise of no prosecution, etc.). Due to 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). 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 what was previously demanded (Cooper, 2004; Vecchi, 2009a, 2009b). For example, an initial demand of '\$1 million dollars and a helicopter' can be reframed as 'you want money and transportation' (NCNC, 2003; Vecchi, 2009a, 2009b). This reframed demand can be downgraded further to releasing the hostages in exchange for surrendering out of view of the media or even a pizza. The process of selling also relates to the negotiator, in that the hostage-taker has to perceive that the negotiator is trustworthy and acting in good faith or simply 'trying.' Cooper (2004) summed up this process:

Hostage taking is, in essence, 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 going under the circumstances (Vecchi, 2009a, 2009b).

Advanced conflict negotiation techniques in law enforcement applications

The focus of any negotiation is to obtain the best deal for yourself or for the entity you are representing. If possible, it is desired that the negotiation also meets the needs of the other party; however, in barricaded hostage and crisis situations, the focus is on obtaining rapid compliance and surrender of the hostile party, which requires the negotiator to move beyond standard communication techniques. Mullins (2002) used a five-step model developed by Ury (1991) and applied it to law enforcement negotiations (Vecchi, 2009a, 2009b):

1. Don't react – go to the balcony
2. Step to their side
3. Change the game
4. Build a golden bridge
5. Make it hard to say no

The first step: *Don't react – go to the balcony*, relates to the very common practice of verbal attacks on the negotiator (Mullins, 2002; Ury, 1991). It is natural for the negotiator to want to verbally retaliate against the subject, but this serves only to make the situation worse and risk failure (Vecchi, 2009a, 2009b). This technique requires that the negotiator step back and become an observer to the communication process, akin to watching a play from a balcony (Mullins, 2002; Ury, 1991). In this way, the risk of emotional outbursts by the negotiator is reduced. The key is for the negotiator to keep his or her eye on the target of obtaining compliance. Mullins (2002) provides some approaches:

- Use pauses instead of responding immediately.
- Slow the pace of the conversation to reduce emotions. ('I'm trying to write down what you are saying so I don't forget. Could you slow down a little?')
- Rephrase what the subject just said in non-emotional terms.
- Take a time-out.

The second step, *Step to their side*, refers to developing the perception that the negotiator is an ally to the subject (Mullins, 2002; Ury, 1991). This is accomplished

through the perception of the subject that the subject and the negotiator are partners and that, to a degree, the subject and negotiator are working against the rest of the police (Mullins, 2002; Ury, 1991). This is an 'us against the world' approach that is based on the assumption that the rest of the police do not care to solve the situation peacefully or meet the needs of the subject and which requires the subject and negotiator to work together to find a solution that the rest of the police will accept (Vecchi, 2003, 2004, 2009a, 2009b). Mullins (2002) provides some approaches:

- Demonstrate to the subject that the negotiator is concerned and cares.
- Treat the subject as a real person and acknowledge his or her concerns or views.
- Search for areas of agreement beyond the instant situation (sports, movies, etc.).
- Use words of familiarity (subject's first name, insisting the subject use the negotiator's first name, slang, contractions, etc.).
- Obtain compliance without being forceful or confronting.

The third step, *Change the game*, pertains to reframing rather than rejecting outright the demands of the subject (Mullins, 2002; Ury, 1991). Subjects naturally expect that their demands will be rejected by the police and they can be taken off guard when the negotiator replies that he/she will see what can be done or attempts to reframe in a manner that is not inflammatory, such as reframing a request by the subject for 'a helicopter and \$100,000' to 'you need transportation and money ... I'll see what I can do' (Vecchi, 2009a, 2009b). Mullins (2002) provides some approaches:

- Focus on problem-solving and ignore personal attacks; ask the subject: 'How can we work together?'
- Use open-ended questions to make the subject think about his/her position and force a reality check.
- Reframe personal attacks into future solutions

The fourth step, *Build a golden bridge*, is the process by which the negotiator makes it easier for the subject to say 'yes' than 'no' (Mullins, 2002). This is accomplished by soliciting ideas from the subject and then showing the flaws in some of those ideas, such as saying, 'If you really want to get legal custody of your kids, what do you think might be a better way to do this? What if they accidentally get hurt in this situation; how will that bode with the judge?' (Vecchi, 2009a, 2009b). Mullins (2002) describes the 'go slow to go fast' process:

The negotiator should slow down the negotiation process and get the hostage taker in a 'yes-saying' frame of mind. The negotiator who opens initial conversations with an attempt to get the hostage taker to release

all the hostages and surrender is doomed to failure. Instead, the negotiator should begin the process by getting the hostage taker to agree to several small requests. Not shouting, staying on the telephone or sitting in a chair are all small requests a negotiator could make to begin getting compliance from the hostage taker. Once the hostage taker begins saying 'yes,' the negotiator can then escalate the requests into larger requests designed to resolve the situation'. (p. 70)

The fifth step, *Make it hard to say no*, pertains to the ability of the negotiator to couch solutions that are perceived to be a win-win situation by the subject (Vecchi, 2009a, 2009b). The ability of the negotiator to work out an agreeable solution where the subject perceives surrender as the most advantageous resolution is important to a peaceful resolution (Mullins, 2002). The use of power by the negotiator in a subtle manner is also a key to resolving the situation. For example, instead of the negotiator saying, 'If you don't come out, I'm sending in the SWAT team,' the negotiator might say, 'The command staff is getting frustrated at our lack of progress here, and they are thinking of calling in the SWAT team. Let's come to an agreement so they won't have to do this' (Vecchi, 2009a, 2009b)

Crisis intervention

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 achieve 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 goal and outcome impediments cannot be managed through the usual problem-solving methods. As discussed earlier, Wilmot and Hocker (1998) defined conflict as the perceived blocking of important goals, needs or interests of one person or group by another person or group. A person's response to conflict can be constructive or destructive. For example, in a child custody battle, the losing parent (whose need to have her children is blocked by her former husband via a court order) could respond constructively by taking her ex-husband back to court or destructively by taking her children by force. In the event of the latter, a crisis may result if she is unable to cope with the problem (Vecchi, 2009a, 2009b).

Crisis situations place demands on the subject to act in furtherance of resolving the crisis. Depending on the action taken, the behaviour can be adaptive or maladaptive (Rosenbluh, 2001). In the previous example, the wife could take an adaptive approach by returning the children and seeking counselling. Or, she could take a maladaptive approach by taking the children hostage, barricading herself, and threatening to kill them if she is not awarded custody (Vecchi, 2009a, 2009b).

Adaptive behaviour results in positive crisis resolution and maladaptive behaviour results in negative 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 counselling. An example of maladaptive behaviour 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 behaviour, whereas in the latter example, the negotiator would discourage the maladaptive behaviour by implementing the strategies and tactics of crisis intervention to assist in ending the crisis in a more adaptive manner (Vecchi, 2009a, 2009b).

Whether or not a situation is viewed as a crisis depends on current perception, previous experiences, level of resiliency and coping skills. This explains why a particularly horrific event will result in crisis for some but not others. For example, a police investigation involving a murder may have minimal impact on the seasoned homicide detective who has become desensitised to even the most gruesome crime scenes. By contrast, the murder scene could be a crisis-triggering event for the victim's neighbour who discovered the body (Vecchi, 2009a, 2009b).

Most expressive situations requiring negotiator intervention are due to a significant loss or rejection, termination from employment, a decline in health status, financial reversal or loss of freedom. Two or more losses within a short period of time (often referred to by police negotiators as a 'double whammy') are often the 'final straw' or antecedent that sends a person into crisis (McMains and Mullins, 2006; NCNC, 2003; Vecchi, 2009a, 2009b).

Once coping and social support mechanisms fail and a person falls into a crisis state, normal functioning is disrupted. What is normally resolved at a rational or cognitive level (as in conflict situations) is now dealt with at 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, 2009a, 2009b; Vecchi *et al.*, 2005). Therefore, providing social support by restoring the ability of a person to cope through the re-establishment of baseline functioning levels is the primary purpose of crisis intervention (Hendricks and Byers, 2002; James and Gilliland, 2001; McMains and Lanceley, 2003; Roberts, 2000; Vecchi, 2009a, 2009b, 2009c, 2009d; Wiger and Harowski, 2003).

Crisis intervention process

For the negotiator, the key to implementing crisis intervention techniques towards adaptive resolution is to focus on understanding the needs of the subject, which is oftentimes hidden behind more seemingly substantive concerns (Vecchi, 2009a, 2009b, 2009d). For example, an elderly man who takes his daughter captive and threatens to harm her may appear to be mentally ill, but in reality he doesn't

want her to place him in a nursing home because he feels he will lose control of his life (Vecchi, 2009a, 2009b). 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 (NCNC, 2003). Therefore it is important to note that people don't 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 (Vecchi, 2009a, 2009b; Vecchi *et al.*, 2005). Remember, negotiators don't meet demands, but they do satisfy needs (NCNC, 2003).

The crisis intervention process comprises six steps: (1) establishing and maintaining effective communication; (2) buying time; (3) defusing intense emotions; (4) identifying the precipitating event; (5) gaining intelligence; and (6) transition to problem-solving (Vecchi, 2009a, 2009b; Vecchi *et al.*, 2005; McMains and Mullins, 2006).

Step 1: Establishing and maintaining effective communication

Establishing communication is the vehicle for the delivery of crisis intervention strategies and tactics. Thus, in crisis intervention, it is important that the negotiator establish effective communication and actively listen to what the person is saying. When speaking to the person, it is important to speak slowly and calmly and to choose your words, tone and manner with care. How the negotiator says something is much more important than what is said; content 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, non-judgmental (Vecchi, 2009a, 2009b).

Step 2: Buying time

Time can be one of the negotiator's best tools simply because it is difficult for most people to maintain high emotional levels for extended periods. The passage of time tends to decrease stress levels and sets the stage for obtaining some semblance of rational behaviour on the part of the subject. Buying time is sometimes known as 'verbal containment', which is the process of keeping the person 'occupied' in discussions with the negotiator (Vecchi, 2009a, 2009b).

Step 3: Defusing intense emotions

People who make clear statements of feeling are in a better position to solve their problems. When a negotiator is able to reflect the subject's feelings, the negotiator is perceived as being understanding, which is the basis of developing a relationship in which the subject is ready to accept and act upon the suggestions of the negotiator, thus ending the crisis. The emotional reaction to a crisis situation and subsequent behaviour based on that reaction is what makes a situation a crisis,

not the facts or content of the situation. How a person feels about a situation will strongly influence their behaviour; therefore listening for and addressing the intense emotions behind the content will help control the subject's behaviour. Dealing with emotions is a baseline skill that every negotiator must learn because intense emotions are a hallmark of crisis situations (Lanceley, 2003; McMains and Mullins, 2006; Rogan *et al.* 1997; Slatkin, 2005; Strentz, 2006; Vecchi, 2009a, 2009b; Vecchi *et al.* 2005).

Step 4: Identifying the precipitating event

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. Identifying the precipitating event is crucial in laying the groundwork for problem-solving because it identifies the problem that needs solving (NCNC, 2003; Vecchi, 2009a, 2009b).

Sometimes, the subject is unaware or confused about the nature of the precipitating event, as the conflict or crisis may involve a conflict of values. Values are what people believe are important and cherish, and they are the 'hooks' used by negotiators to assist in alleviating the crisis (NCNC, 2003; Vecchi, 2009a, 2009b). For example, a religious person who values non-violence is robbed and defends himself, resulting in the death of the robber. This results in conflict between his convictions of non-violence and his violent actions (even though justified), which triggers 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. Through the attachment of 'intent' as a requirement to defining something as violent, the action of the person can be reframed as not violating the value of non-violence, thus alleviating the internal conflict and setting the stage for problem-solving (Vecchi, 2009a, 2009b).

Step 5: Gaining intelligence

Gaining intelligence concerns the ongoing assessment of the crisis situation. This goal strives to determine the lethality or potential harm to the subject and others, formulating proposed courses of action and options to be considered after the crisis is over, such as referral for therapy, medical follow-up, or incarceration (Vecchi, 2009a, 2009b).

Step 6: Transition to problem-solving

Once the negotiator has moved the subject to a more instrumental or rational state of mind, the negotiator can then transition to problem-solving (see previous section) in order to arrive at the final outcome. This is a critical point because

crisis intervention alone will not resolve anything; resolution can only be brought about through problem-solving, which requires the subject to be in a rational mindset and view the negotiator as credible (Vecchi, 2009a, 2009b).

Behavioral Influence Stairway Model

The Behavioral Influence Stairway Model (BISM) (see Figure 1.5) is used throughout the conflict and crisis negotiation process by the negotiator to develop a relationship and maintain credibility with the subject and is a key component of the *interactional manipulation* process with regard to keeping the relationship variable high (see Figure 1.3). The BISM is also used to move a subject from an expressive to an instrumental mindset so the negotiator's *desired outcome* can be achieved through problem-solving. Law enforcement negotiators have honed this process over the past 30 years to be effective even in the most volatile of situations and this model has proved to be highly effective in resolving crises without injury and within a relatively short period of time (NCNC, 2003; Vecchi, 2009a; 2009b; Vecchi *et al.*, 2005).

The BISM graphically depicts and explains the process of establishing a positive relationship between the negotiator and the subject and moving the mindset of the subject from *expressive behaviour* to *instrumental behaviour*, which allows for the negotiator to influence and ultimately persuade the subject to do as the negotiator suggests with the goal of obtaining the negotiator's *desired outcome*. This is accomplished in four stages as a product of time that includes active listening, empathy, rapport and influence. The upward arrow depicts the movement from *no relationship/expressive behaviour* to *relationship/instrumental behaviour* and the downward arrow represents mistakes made by the negotiator ('falling down the

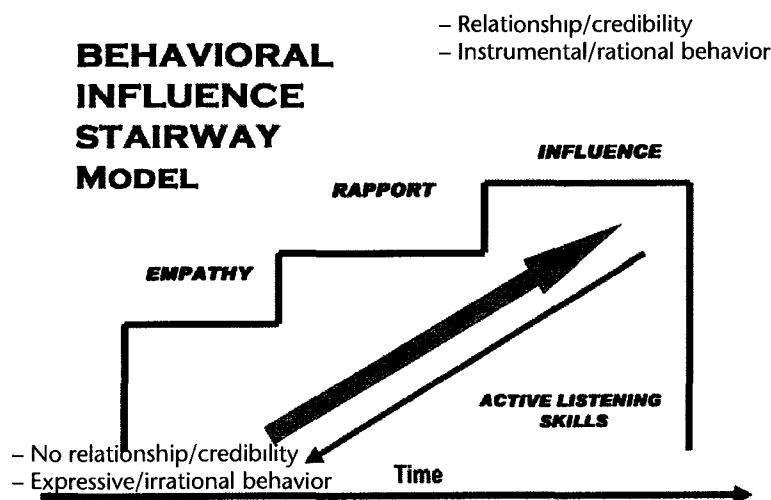


FIGURE 1.5 Behavioral Influence Stairway Model.

stairs') that require the negotiator to return to the active listening stage and begin again.

The BISM is comprised of four stages which occur in a specified order (Vecchi, 2009b):

- Active listening
- Empathy
- Rapport
- Influence

It is important to note that these stages occur in order and one stage cannot be skipped in order to get to the next stage faster (Vecchi, 2009b). For example, a negotiator cannot skip from Stage 1 (active listening) to Stage 4 (influence) without first having developed empathy and rapport (Stage 2 and Stage 3) with the subject (Vecchi, 2009b).

The most important thing to remember is that if the negotiator is not making progress or makes a mistake, it is best to go back to the foundation (Stage 1) and start over again and to stay focused on the process of developing a relationship with the subject rather than on the outcome of ending the crisis (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). For example, although emotions are universal, experiences are not. Making assumptions about a subject's emotions based upon the circumstances can stall crisis intervention. For instance, during a situation where a man is threatening to commit suicide, the negotiator attempts to demonstrate empathy by saying, 'I know how you feel.' The man responds, 'You don't know how I feel ... just go away.' In this case, the negotiator's attempt at empathy is counterproductive because the man does not believe the negotiator has ever tried to commit suicide before and, regardless of whether or not this is true, the perception of the man is his reality; therefore arguing or trying to be rational with him is pointless (Connor, 2009; Vecchi, 2009b, 2009d). 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, the negotiator is demonstrating that he or she is trying to understand the situation from the perspective of the person without leaping to conclusions (Lanceley, 2003; McMains and Mullins, 2006; Rogan *et al.*, 1997; Slatkin, 2005; Strentz, 2006; Vecchi, 2009b; Vecchi *et al.*, 2005).

Stage 1: Active listening

People in crisis have a universal need to be heard and understood and they all have their own unique story to tell (Vecchi, 2009b). Active listening attends to these needs from the standpoint of the subject and it is the first step in developing a relationship that will ultimately lead to behavioural change and an end to the crisis (Booth *et al.*, 2009; Daniels *et al.*, 2007; Greenstone and Leviton, 2002; McMains

and Lanceley, 2003; Rogan *et al.*, 1997; Rosenbluh, 2001; Slatkin, 2005; Van Hasselt *et al.*, 2005; Vecchi, 2009b). Active listening skills (ALS) form the foundation of the BISM and are comprised of core and supplemental groupings. The core group elements are mirroring, paraphrasing, emotion labelling and summarizing. The supplemental group consists of effective pauses (silence), minimal encouragers, open-ended questions and 'I' messages. Although there are no hard or fast rules, supplemental ALS should be used when necessary to enhance the effectiveness of core ALS (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005).

Core active listening skills

Mirroring refers to repeating the last few words or gist of the subject. It demonstrates to the subject that the negotiator is attentive and it also serves as a method by which to draw out specific concerns and problems for use in furthering the interaction. In this way, the negotiator ensures that the discussion content is provided solely by the subject rather than by the negotiator, thereby remaining in the subject's frame of reference (Vecchi, 2009b). It is also a good way to get 'new' material to talk and gain intelligence about that is relevant to the subject for use when transitioning to problem-solving (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). An example of mirroring would be:

Negotiator (N): 'Are you okay?'
Subject (O): 'I don't want to talk about it.'
N: 'You don't want to talk about it?'
O: 'No, I had a bad day.'
N: 'Bad day?'
O: 'Yeah, I lost my job.'
N: 'You lost your job?'
O: 'Yeah, for no apparent reason.'

Paraphrasing refers to putting the content of what the subject said into the negotiator's own words (Vecchi, 2009b). This demonstrates to the subject that the negotiator is trying to understand his or her specific situation from a cognitive or content perspective (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). An example of summarising would be: 'Let me make sure I understand what you're saying, you lost your job for no apparent reason and you're having a bad day' (Vecchi, 2009b).

Emotion labelling refers to identifying the emotion(s) that the subject is feeling. This gets at the heart of what the subject is experiencing because most content is surrounded by emotion(s) (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005) (see Figure 1.4). Even if the negotiator misidentifies the emotion, it still demonstrates to the subject that the negotiator is trying to understand the situation, which demonstrates empathy and tends to de-escalate

highly volatile emotions. An example of emotion labelling would be: 'you sound angry', 'you seem frustrated' or 'I hear disgust in your voice' (Vecchi, 2009b).

Summarising combines the content of the paraphrase with the emotion identified by emotion labelling into the negotiator's own words (Vecchi, 2009b). This process is a final clarification to the negotiator of what the subject is experiencing and it assures the subject that the negotiator either understands or is trying to understand the situation from the perspective of the subject (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). An example of summarising would be: 'Let me make sure I understand what you're saying, you lost your job for no apparent reason [paraphrase] and this makes you angry [labelled emotion]' (Vecchi, 2009b).

Supplemental active listening skills

Effective pauses equate to deliberate silence before or after meaningful comments by the negotiator (Vecchi, 2009b). 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) (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). For example, the negotiator could use an effective pause in this way: 'Tell me 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' (Vecchi, 2009b).

Minimal encouragers are verbal and non-verbal cues to the subject that the negotiator is being attentive to what he or she is saying and experiencing (Vecchi, 2009b). Minimal encouragers also demonstrate that the negotiator is psychologically present and 'in the moment' with the subject and that he or she is genuinely trying to understand the subject's perspective (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). Minimal encouragers are used while the negotiator is listening. Verbal encouragers are comments such as 'uh-huh', 'yes', 'right', and 'okay'. Non-verbal encouragers are actions such as nodding the head, tilting the head, leaning forward, watching the person's eyes or mouth as they speak or mirroring the non-verbal behaviour of the subject (Vecchi, 2009b).

Open-ended questions prompt the subject to expand on his or her concerns and perspective and encourages clarification which is used by the negotiator in employing more primary active listening strategies (mirroring, paraphrasing, emotion labelling, and summarising), all in an effort to bring the person to a more rational state of mind (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). 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 those that start with 'what' or 'when' or statements such as 'tell me more about ...' (Vecchi, 2009b).

'I' messages are used sparingly by the negotiator when it is appropriate to make a personal disclosure in furtherance of developing the relationship or when the subject is verbally attacking the negotiator (Vecchi, 2009b). A negotiator uses a personal disclosure to connect an emotion or experience within the context of what the subject is describing (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). For example, the negotiator may say: 'I am a father too, but I can only imagine what it must be like to lose a son. It must be terrible.' When being verbally attacked, the negotiator can use the 'I' message in this way: 'When you say that I don't care, it frustrates me because I really am trying to understand your situation and I really want to help you. I am here because I want to be, not because I have to be' (Vecchi, 2009b).

In many cases, the negotiator is the only person in the life of the subject who has expended effort to understand and respond to the crisis situation in *their* frame of reference (Vecchi, 2009b). Active listening is the starting point of effective crisis intervention and the first stage towards influencing behavioural change (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). In addition, active listening is always the fallback position when communication begins to deteriorate.

Stage 2: Empathy

Empathy is a natural by-product of effective active listening. Empathy implies an identification with and understanding of another's situation, feelings and motives (Vecchi, 2009a, 2009b). The negotiator uses empathy to see through the eyes of the subject and to absorb tension. Being right is not the issue; making the attempt to get it right on the part of the negotiator is what counts (NCNC, 2003). An example of an empathetic statement would be: 'It is understandable how you would be angry over that' (Vecchi, 2009b).

Empathy should not be confused with sympathy, which indicates pity (NCNC, 2003). In crisis intervention, the goal is not to feel sorry for the subject, but to establish a relationship and credibility through effective communication in which positive steps can be taken towards resolving the crisis in a collaborative fashion from the standpoint of the subject (Vecchi, 2009a, 2009b). A crucial consideration with regard to developing empathy is the importance of tone (Vecchi, 2009a, 2009b). Tone influences how the subject perceives the meaning of what the negotiator is saying and it is this perception of meaning that counts the most in effective crisis intervention, whether or not the perception is based in reality; therefore all strategies and tactics must be based on their impact upon the subject. Tone indicates attitude and genuineness through inflection and pitch and it expresses emotion, demeanour and projected sincerity. Remember that the way a negotiator says something is far more important than the content alone (NCNC, 2003). Empathy seeks first to understand and then to be understood on the part of the negotiator, which forms the building blocks of rapport (Vecchi, 2009a, 2009b).

Stage 3: Rapport

Up to this point on the BISM, the relationship has been one-sided in that the subject has been talking and the negotiator has been actively listening and empathetic (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). Once empathy has been established from the standpoint of the subject, rapport develops, which is a relationship characterised by trust and mutual affinity (Vecchi, 2009a). Once rapport has been developed, the subject is poised and ready to listen to what the negotiator has to say. At this stage, the negotiator, in collaboration with the subject, begins to build themes, defence mechanisms, minimisations or blending concepts that serve as precursors to ending the crisis (Dattilio and Freeman, 2000; Fisher *et al.*, 2001; Mullins, 2002; Rogan *et al.*, 1997; Slatkin, 2005; Ury, 1991). Themes comprise reasons that would explain, justify, mitigate or excuse the behaviour of the subject and address distorted thinking by putting a 'different spin' on the situation. Defence mechanisms use rationalisation and projection of blame to reduce volatile emotions, whereas minimisation downplays any negative behaviour exhibited by the subject. Blending is where the negotiator and the subject agree where they can without conceding, reduce real or perceived differences and find common ground. At this point, the subject is ready to be influenced by the negotiator and be persuaded to act (Vecchi, 2009b).

Stage 4: Influence

Influence is the act or power of producing an effect without apparent force or direct authority (Vecchi, 2009a, 2009b). At this stage, the relationship has now grown to the point where the subject is ready to accept the suggestions of the negotiator as a prelude to behavioural change (Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). In other words, the negotiator has earned the right to suggest a course of action to the subject as a result of collaborative problem-solving (NCNC, 2003). At this point, the negotiator and subject work together to identify solutions and alternatives that are suitable to both (Vecchi, 2009a, 2009b).

Behavioral change

The difficulty of successfully influencing behavioural change is oftentimes the result of the negotiator moving too quickly through the stages or skipping stages in a misguided effort to solve the crisis through premature problem-solving (NCNC, 2003; Vecchi, 2003, 2004, 2009a, 2009b; Vecchi *et al.*, 2005). Behavioural change will occur only if the previous four stages have been successfully completed, resulting in the forming of a positive relationship between the negotiator and the subject, as well as the negotiator moving the subject into a rational mindset, which sets the stage for problem-solving and resolution of the crisis. At this point, the subject will do as the negotiator suggests for no other reason than the fact that the negotiator asked the person to do so (Vecchi, 2009a, 2009b).

Points to remember

It is important to note that for any type of negotiation to work there must be three enablers present. The first enabler requires that all parties be willing and able to communicate (Fisher *et al.*, 2001; Vecchi, 2009b; Vecchi *et al.*, 2005; Wilmot and Hocker, 1998). Some issues to consider are language barriers, motivation to negotiate and the ability to be heard and understood (Vecchi, 2009b). The second enabler requires that all parties listen attentively to one another (Fisher *et al.*, 2001; Vecchi, 2009b; Vecchi *et al.*, 2005). This requires each party 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 (Fisher *et al.*, 2001, Rogan *et al.*, 1997; Vecchi, 2009b). It should be noted that cultural differences and tone are oftentimes the basis for misunderstandings and misinterpretations.

It is also important for the negotiator not to inject his or her own values into the situation; however, this does not mean that the negotiator has to agree with the values or morals (or lack of values or morals) of the subject (Vecchi, 2009b). This disagreement can be relayed to the subject by saying something like: 'From what you're saying, I can imagine how your wife could have made you angry enough to kill her ... that would have made me angry too, but I don't think I could have done what you did' (Vecchi, 2009b).

When dealing with a subject, the negotiator gives the person a 'hearing' (Vecchi, 2009b). 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 respect (Lanceley, 2003; McMains and Mullins, 2006; Rogan *et al.*, 1997; Slatkin, 2005; Strentz, 2006; Vecchi, 2009b; Vecchi *et al.*, 2005). Being right is not the issue; making the attempt to get it right is what counts. Tone speaks louder than words and indicates the negotiator's attitude; a calm, controlled demeanour is always more effective than a brilliant argument (Vecchi, 2009b). The following are some points to keep in mind during the negotiation process (McMains and Mullins, 2006; Lanceley, 2003; Strentz, 2006; Vecchi, 2003, 2004, 2009b):

- Listen to the person.
- Acknowledge his or her point of view.
- Agree wherever you can without conceding your own values or morals (find common ground).
- Create a positive atmosphere for problem-solving.
- Don't argue.

When negotiation seems to be failing, it is important to look at possible obstacles to agreement that may include (Vecchi *et al.*, 2005):

- unsatisfied needs (fear of losing face);
- not being vested in the solution;
- not yet ready for agreement;
- inclination to resist perceived aggression;
- sense of being misunderstood or mistreated;
- feeling aggrieved or maligned.

Conclusion

Conflict and crisis situations occur oftentimes with little or no notice and many of them can be volatile with a high potential for violence. These situations require the ability of the negotiator to quickly assess the behaviour of the subject and select the negotiation strategies and tactics that are most likely to be successful, all in a very compressed timeframe. The NRM provides a process with which a negotiator can bridge the desired outcome with the final outcome through the continuous assessment of the subject's needs and conflict behaviour in light of instrumental or expressive mindsets. With this information, and the application of the BISM and interactional manipulation techniques, the negotiator is able to select the appropriate problem-solving or crisis intervention tactics to succeed in the negotiation.

Note

1. Court is a formal mechanism where the judge makes the final decision and the parties are represented by legal professionals. Moreover, the content of the testimony must be based on facts as articulated by the parties. On the contrary, mediation is a much more informal mechanism where the parties make the final decision and they represent themselves. In addition, feelings and information that would not be allowed under the formal rules of the court are allowed in mediation.

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