

MICHAEL J. MCMAINS
WAYMAN C. MULLINS
ANDREW T. YOUNG

CRISIS NEGOTIATIONS

Managing Critical Incidents
and Hostage Situations in Law
Enforcement and Corrections

Sixth Edition



This classic text is the must have, must read and vital on-hand resource for those who resolve critical incidents through effective crisis communications. The authors offer the confluence of academic, psychological, and practical fundamentals for crisis negotiations that is the single most effective and impactful means, in print, to address high-risk crisis negotiation related situations. Information contained within this cornucopia of crisis management discussions, applications and theories, is recognized world-wide as the premier reference for anyone who performs the role as crisis negotiator or manages critical incidents in the public and private arena. To not have this dynamic and fundamental information contained within this book of voluminous insights, practices, case studies, and research-based psychological implications would be debilitating to those trained to manage crisis events utilizing high-risk negotiations.

Samuel A. Farina, Jr.,
*chief of police for the Village of Fairport Police Department in Rochester,
New York, and the president and founder of the New York
Association of Hostage Negotiators.*



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CRISIS NEGOTIATIONS

Crisis Negotiations: Managing Critical Incidents and Hostage Situations in Law Enforcement and Corrections, the sixth edition, is an invaluable resource for mitigating, managing, or responding to high-risk negotiation incidents.

This revision includes the current research on negotiating high-risk incidents in the classroom and the field. It includes an applied analysis of the value of psychopathology to high-risk perpetrators. It refines the “empirical eclecticism” introduced in the fourth edition to provide a conceptual basis for crisis negotiations. The authors include summary bullet points at the end of each chapter for easy reference when negotiators are in the field and a review of the literature since the last edition appeared. Their discussion of the strategic planning process involved in high-risk negotiation incidents focuses clearly on the critical questions negotiators need to ask themselves about any high-risk incident and provides a practical approach to the psychology of individuals that engage in high-risk incidents.

Known as “the bible” to experienced professionals in the field, this sixth edition of *Crisis Negotiations* is vital for practitioners as well as for criminology, criminal justice, or psychology courses in crisis management, applied psychology, and special operations in law enforcement and corrections. Instructors will find it well supported by ancillary materials, including discussion questions, slide presentations, and a test bank, as well as case studies and self-assessment quizzes for students, making it easy to develop a first-time course or to integrate it into an existing course.

Michael J. McMains earned a Ph.D. in clinical psychology from Vanderbilt University in Nashville, Tennessee. Since 1982, he has worked as the mental health consultant on over 500 crisis/hostage cases while attached to the special operations unit/crisis negotiations teams of the San Antonio Police Department and the Bexar County Sheriff’s Office in Texas. He served as associate editor of the *Journal of Police Crisis Negotiation*, an international journal; has written multiple articles on crisis negotiations; developed a hostage negotiation curriculum for the U.S. State Department; has written for international publication; and taught crisis negotiations locally, nationally, and internationally.

Wayman C. Mullins received his Ph.D. in psychology from the University of Arkansas. Since 1984, he has been a faculty member in the School of Criminal Justice, Texas State University, where he is a full professor. He is also a commissioned law enforcement officer and a member of the Hays County SO/San Marcos PD Crisis Negotiation Team. Dr. Mullins has been involved in negotiations as a team member, trainer, lecturer, and writer for over 35 years.

Andrew T. Young received his Ed.D. in counselor education from Texas Tech University. Since 1996, he has been a full professor of psychology and counseling at Lubbock Christian University. He has been a hostage (crisis) negotiator and psychological consultant with the Lubbock Police Department’s SWAT team since 2000, with the Lubbock County Sheriff’s Office since 2008, and with the Texas Department of Public Safety (Region 5) since 2015. He has published research and lectures nationally on negotiating and crisis intervention, and has also written *Fight or Flight: Negotiating Crisis on the Frontline*.



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*Managing Critical Incidents and
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Law Enforcement and Corrections*

SIXTH EDITION

MICHAEL J. McMAINS
WAYMAN C. MULLINS
ANDREW T. YOUNG

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This work is dedicated to:

All of those near and dear family members who have helped our success through the years
and who have made us proud.

To all the negotiators, past, present, and future who have trained and worked tirelessly to
save lives and improve the field and profession.



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PREFACE

Before I started with the San Antonio Police Department in 1982, I worked with their negotiations team on a callout. One of the patients I had at the San Antonio State Hospital barricaded himself in his apartment, thinking that the police were out to assassinate him because he “knew who was behind the assassination of President John F. Kennedy, Robert Kennedy and Federal Judge John Wood.” On the way to the scene, I was wondering “What the hell do I know about talking to a guy holed up with a gun in a stand-off with the police?” As it turned out, both the negotiators and I learned from each other. They learned the importance of personal space when dealing with a paranoid schizophrenic, and I learned the value of patience and self-control in a high-conflict situation. It was the beginning of a partnership that has spanned the last 40 years and has literally taken me around the world.

A year after the previous incident, I started full time with SAPD. Within a month, I was pressed into service as the psychological consultant for the team and as an instructor in the Basic Negotiations course they were holding for new team members. I was tasked with teaching active listening skills (go figure). I learned that all the team members were dedicated people who wanted to save lives. They all paid their own way to training, bought their own equipment, and studied on their own time to become more proficient at their job, even though it was not a traditional law enforcement role. There was no extra, call-back pay or on-call incentive for being a negotiator. There was little support from fellow officers. People did it because they wanted to make a difference. They taught me the meaning of “professional.”

Since then, many negotiators and I have been partners. We have learned, agreed, disagreed, experimented, and explored most of the issues presented in this book. We have gotten it wrong and gotten it right. Fortunately, we have gotten it right more often than we have gotten it wrong, and people have lived because of it. And this book is a summary of the last 40 years of partnering with some of the finest people in law enforcement.

Of all the lessons learned during my walk with negotiators, the original lessons are probably the most important: (1) treat people with respect, (2) listen to them as though they were your own family, (3) practice patience, (4) strive to understand their motives, and (5) have faith in their willingness to resolve a crisis peacefully, and the majority of the time “everybody goes home.” It is attitude that is important. We can be technically competent, using appropriate skills to resolve an incident, but if we do not have the right attitude, we are not likely to find a “win-win.” It was this that was the biggest take away 40 years ago when I was introduced to negotiations, and it is still a basic lesson. For all those who have walked with me and reminded me of this essential lesson over the years, “Thank you.” You are as much an author as we are.

In addition to all the officers, deputies, special agents, and others named subsequently, I would like to thank members of the early San Antonio Police Department negotiating team and the Bexar County Sheriff's Office with whom I have worked over the last 40 years. They were the ones who lived what it is to be a professional, teaching by example. Officers Charlese Ricketts, “Lalo” Pena, “Fred” Solis (Colonel, U.S. Army, retired), Sgt. Bill Ewell, Deputy Chief (retired) William Smith, Assistant Chief (retired) Harry Griffin of SAPD, and Sgt. Tony Davis, Deputies

Robert Guerra, Dennis O’Steen, and others at BCSO who have been faithful in developing their skill and advancing the knowledge we present in this book. All have contributed and challenged us over the years, making what we present here better, more useful, and life saving. “Blessed are the peacemakers.” None of you had to accept this “shrink” back in 1982 when he was asked to teach at SAPD’s negotiations school and was an unknown to law enforcement, the department, and the team. Each of you greeted me with open arms, or at least an open mind, and taught me. Thanks, all. —MjMc

What a ride! It is sobering to realize that Mike and I started this journey over 25 years ago with the publication of the 1st edition of this book. Neither of us dreamed that it would succeed like it did and would become the seminal text in the field. Mike and I both have been totally amazed and stunned by the widespread use and acclaim the book has achieved. I was in Singapore this summer for a conference (not a negotiator conference), and several people walked up with a copy of the book and wanted me to sign it. That has been a common experience repeated throughout the country and internationally as we travel. It has been a humbling experience. At the same time, I can think of no better legacy for either of us. Negotiations have always been a passion, not a job.

On hundreds of occasions, a negotiator will walk up with their copy of the book. They will come with every edition that has been published over the years. Almost all are bent, ragged, dog-eared, paperclipped, folded pages, written in and on, hundreds of sticky notes attached, and with a road-well-traveled look. That, to me, is the greatest testament of all about the work in this book. That has made it all worthwhile. And it is why we keep doing it.

But alas, the world continues to move forward. Both Mike and I are moving forward with it (to our great consternation). We have been writing and rewriting this book for two and a half decades. We clearly envision a 7th edition 5–6 years down the road and hope Pam Chester at Routledge agrees. With that in mind, we have added Dr. Andrew, or Andy, Young as the third author of this edition, with the expectation that Andy will become the lead author for the next edition. We and publishers like continuity. We felt we needed someone with experience, a strong research and writing background, and respect in the field to assume primary responsibility for the future editions of the book. Andy has all of that and more. He is an experienced member of two negotiation teams, speaks nationally and internationally to negotiator associations and groups, trains negotiators, has published extensively (including books), and has built an outstanding and tremendous reputation in the negotiation community. We first met Andy years ago when we were all speaking at a negotiator conference and have grown a strong friendship in the intervening years. Mike and I both knew early on Andy would be “that guy.” We would like to thank him for accepting our invitation to participate and to take the future helm. Hopefully, we will both be around for the next edition to lend a hand.

In the last edition (and the edition prior to that), we listed three quotes which we believe are mottos negotiators should take to heart:

Never give a sword to a man who can’t dance. (Celtic motto)

The best general is the one who never fights. (Sun Tzu)

Diplomacy is the art of letting someone else have your way. (Daniele Vare)

The negotiator is the general who doesn't fight with a sword. They use communication to avoid the sword. They are prepared to fight if necessary, but prefer to avoid the fight by letting someone else have their way. They negotiate a settlement that both sides win. Negotiation is not a zero-sum game. It is a process where both sides win. When both sides believe they won, the swords stay sheathed. As we stated previously, the negotiator fits the tradition of the Celts. They are warrior-artists who know the true value and beauty of life, that every encounter can end in death and immeasurable loss, and are dedicated to the art of negotiations to attempt to prevent the loss of life.

And as warriors, they personalize loss. I and the other authors hear all the time, "We negotiated for hours and the subject refused to put their weapon down and were shot by the sniper. We lost that one." That is the most inaccurate, misleading and incorrect statement I have ever heard! I stress to every negotiator I teach, regardless of the class topic—**WE DO NOT MAKE DECISIONS FOR THE SUBJECT! WE TRY TO HELP THEM MAKE A GOOD DECISION!** When the subject makes a bad decision, it is their decision, not yours. We don't lose when force is used. Use the process; use your training, your education, your skill, and your experience. From that point forward, decisions are the subject's, not yours.

Vare tells us negotiators use unconventional tactics and strategies to achieve a goal. The subject expects confrontation, emotion, argument, and authority to resolve the incident. Instead, the negotiator relies upon diplomacy, tact, calmness, and communication to achieve an end. To be proficient, the negotiator must learn, train, practice, train, practice, and train and practice more. It takes time and dedication to become proficient as a negotiator. They must learn to think and act as a team (Chapter 2), know the process (Chapter 3), be able to assess and monitor risk (Chapter 4), understand human emotions/mental illness/depression (Chapters 6 and 7), and learn to be effective listeners and superior active listeners (Chapter 5). They must understand specific issues with the subject based upon the subject's background, age, history, and other factors that make up the complexities of human behavior and emotion (Chapter 8). They must understand how victims (i.e., hostages and other persons held by the subject) will act and how their actions and emotions can influence a situation (Chapters 8 and 11). The negotiator must be able to monitor their stress levels, those of the other responders and team members, and those of the subject and victims (Chapter 10).

It is our belief that not only is the negotiation process one of the most important within policing, but also negotiators are some of the best and brightest within the agency. They are some of the most professional, dedicated, and caring police officers we have ever had the pleasure with whom to work and know. We have no supporting data other than our personal observations, but negotiators tend to stay negotiators much longer than police in other specialized units. Many negotiators we know and work with have 10, 15, 20, 25 years plus as a negotiator and have no plans to step down. Many of the experts in the field who teach, research, and write about negotiations have long since retired as police and negotiators but have remained active in the field long after retirement. Tom Strentz helped start the FBI team in the 1970s, retired from the FBI decades ago (sorry about throwing your age under the bus, Tom!), and still writes, teaches, and works with negotiators around the country. Bill Kidd helped start the San Francisco team in the mid-1970s. He retired a decade ago, kept his commission with the Sonoma County Sheriff's Office, and was a negotiator on their team until taking a second retirement. He continues to teach, train, and write and remains active in the field to this day. I could go on and on with examples, but these two illustrate the point. Negotiators strive to assist each other, train others, teach others, share

with others, and network and learn from other negotiators. One of the most enjoyable things for me when at negotiator conferences, trainings, or the competition is the networking and sharing, asking questions, and otherwise interacting and engaging with each other. I have been to many, many other types of law enforcement events and have never witnessed the level of camaraderie that I see at negotiator events. It truly is a spirit of “all for one and one for all.”

We did not write this book. Thousands of negotiators wrote this book and continue to write it. We simply put the words on paper. Examine the references at the end of each chapter. They are from conferences, web sites and blogs, professional magazines, and applied journals. Some are academic references, and most are used to support other lessons learned in the field. Negotiators have freely shared with us their experiences, training, education, lessons learned, and hardships endured. We only hope and pray that we have correctly translated these teachings to the page.

We have worked with Pam Chester for years on this book, and we owe her more than words could ever convey. She has worked with us, put up with us, and remained calm in the face of our mistakes. So, with most heartfelt gratitude, I say, “Thanks Pam. Every interaction has been positive and a joy.” I hope we get to work with you for years to come. One area of minor disagreement in the past has been the primary audience for this book. The publishers have seen it as a textbook (and rightly so from their perspective). We have always seen it as a practitioner’s handbook and addition to the toolbox. As authors, we are less concerned with sales and “the bottom line” than the publisher. We understand and we get it. History has shown that it has served both audiences equally well. There are university classes that have used this book. Negotiators use this book. We are proud that it has been able to serve both audiences. But let me be very clear: Reading this book does not make a person a negotiator! This is only a starting place. It is intended to show an overview of the field and give readers an appreciation for the skills needed to be an effective negotiator. It is intended to be a resource for negotiators. Without appropriate training, practice, skill building, supervision, and commitment, the use of materials in this book is considered unprofessional and unethical. We do not assume responsibility for its use or the outcome of inadequately trained and supervised individuals.

I wish we could thank everyone who has contributed to this book. To do that would take a list miles in length. This has been a collaborative and team effort, not by us, but by the field. There are some we would like to specifically thank for their contributions and efforts in bringing this book into your hands. Obviously, Pam Chester is first on the list. It is her work at Routledge that has guided us over the years and kept the ship sailing the course. Kate Taylor in the United Kingdom is the newest member of the team. She jumped into the project with vim and enthusiasm. We thank her for her hard work and dedication to detail. Pam and Kate have improved this project a hundred-fold. We owe a special debt of gratitude and thanks to Taylor Polk. Taylor was a graduate student and worked with me in the School of Criminal Justice (often volunteering to assist with projects and activities, including the Hostage Negotiation Competition). After graduating with his MSCJ, he enrolled in the Master’s of Science in Applied Geography program and still continues to volunteer working with me on multiple projects. He graciously agreed to assist with this edition of the book and jumped in with both feet to assist in proofing, checking our writing, back-checking references, formatting, and doing other tasks to help bring the book to completion. Thanks, Taylor, for your hard work and for your friendship over the past few years.

We have worked with the FBI Critical Incident Response Group for years and have welcomed and appreciated their advice, knowledge, and experience. Our thanks go to Gary Noesner, Byron Sage, London “Max” Howard, Chris Voss, Thomas Strentz, and Vic Bazan for

their help and friendship over the years. I have taught for years with Max, Byron, and Vic, and they have become good friends as well. Thomas Strentz has been a mentor, advisor, and good friend for years and years. We have worked with, taught with, and become friends with FBI field negotiators around the country. All have been forthcoming and generous with their knowledge and experience. Many have become friends as well. At the risk of omitting someone, thanks to Brenda and Troy McAdoo, Trey Atchley, Tim Sellers, Wayne Furnia, William Clauss, and many, many others. Many officers and experienced negotiators have contributed their time, energy, and expertise to this edition. In addition, many are regular participants and head judges at the competition held in San Marcos, Texas, every year. They include J.D. Byas, Amandia Callan, Jack Cambria, Jan Dubina, Sam Farina, Scott Fundling, Bill Hogewood, Kevin Hunter, Danny Johnson, Paul Keith, Bill Kidd, Steve LaPlante, Tammy McCoy, Tom Moyer, Brandon Pierpoint, Thad Sarton, Bob Sherman, John Vance, Bob Ware, and Chris Zimmerman. Please take the time to read their sidebars throughout the book. Most have become close and dear friends over the years. I wish to thank all of them for that. I value their friendship much more than their assistance as negotiators. Friends are one of the most difficult things to come by in life. All have made friendship easy. To all mentioned in this paragraph, thank you from the bottom of my heart and God bless.

To all those friends who are negotiators, who are simply too numerous to name (but you know who you are), my sincere thanks for your friendship and concern over the years. Most work without recognition and reward. Their reward is a life saved and a job well done. May God bless and keep you safe. To the thousands of negotiators out there who have contributed to our knowledge and education, thank you, thank you, thank you. Please stay safe and negotiate on! A hearty thank you to all the police administrators who believe in negotiations and have formed teams, use those teams, and rely on them to save lives. Without their support, negotiators would not have time to learn their craft, equipment to operate, nor time to “slow things down” and do their job.

Finally, I would like to thank the brother and sister negotiators on my team at the Hays County Sheriff's Office/San Marcos Police Department combined Crisis Negotiation Team. Some of us have been together on the team for over 20 years, while others have only been on the team for a short while. We have celebrated and cried, worked and played, trained and trained again, and argued and agreed. I love all of you like my own family and have been blessed to say I am a member of the CNT. At the risk of offending anyone, I would like to give a special and heartfelt thanks to Jeri Skrocki, Steve Cunningham, Don Lee, Joyce Bender, Roya Williamson, Carl Spriegel, and DuWayne Poorboy for this companionship and friendship over the years. How blessed to work with and have friends such as those. —WM

What an amazing honor to be asked to join this 6th edition! When Dr. Mullins sat me down over dinner and said that he and Dr. McMains wanted me to assist, I was shocked and a little confused as to why I was being asked. But how could I decline? To become a part of this great work, the culmination of their education and experience, as well as the work of countless negotiators from the last 40-plus years of our profession, is a humbling notion and one for which I did not believe I was prepared. I hope my contribution honors these great men and the great men and women who are called crisis (hostage) negotiators. Thank you to Drs. Mullins and McMains for your support and friendship over the last 20 years of my work as a negotiator and as an academic interested in contributing to our field.

I echo the thanks articulated so well by Drs. Mullins and McMains to our friends and colleagues, especially those pioneers who went before me and established the foundations for what negotiators around the world are doing every day. Thank you to the negotiators, past (Mike Steen, Ross Hester, and others) and present (Nathan White, Eric Quijada, Sharon Casey, and the entire team) at the Lubbock Police Department who have made a place for me, a mental health professional and civilian, on their team. Thank you also to Brandon Pierpoint, the team leader of the negotiating team at the Lubbock County Sheriff's Office, for allowing me to be on his team and for his friendship. Thank you to Toby Caitlin and Mike Smith, team leaders with the Texas Department of Public Safety's negotiating team. It is an honor to work with you all, and I would not be part of the 6th edition of this book without you, nor would I be the person I am today without your friendship and support.

Thank you to all the negotiators out there who have, and are, toiling in obscurity at 3 am, giving of themselves and personally investing in the lives of those in crisis and in the lives of those individuals who have done harm and/or are threatening harm to others. The SWAT team is there to react to a situation, but we as negotiators are there to try to change a situation. A noble, difficult, and personal endeavor, indeed. I hope this book gives you some of what you need to do your work with excellence, peace, knowledge, and professionalism. —AY

CHAPTER 1 Crisis Management

History and Overview

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LEARNING OBJECTIVES

1. Understand why high-profile critical incidents forced police to consider alternatives to tactical resolution.
2. Understand how the Munich Olympics incident affected the formation of hostage negotiation teams in the United States.
3. Know why departments began relying on negotiation in crisis situations.
4. Know which hostage incidents played a significant role in the development of hostage negotiation tactics in the 1970s, 1980s, 1990s, and 2000s.
5. Recognize the need for and circumstances which dictate the need for negotiators to engage in tactical negotiations.
6. Know how recent incidents have changed the nature of negotiations and how we keep learning from every incident.
7. Know the definitions for *hostage*, *negotiations*, and *hostage situation*.
8. Understand the progression from negotiations/bargaining techniques to negotiations/crisis incidents.
9. Know the types of incidents to which crisis intervention principles and techniques are applied.
10. Be able to explain the SAFE model.
11. Understand the Best Practices doctrine and how negotiations benefit from the application of Best Practices.

Forming the Field

Munich—1972: The Defining Incident

On 5 September 1972, 13 Arab terrorists invaded the Olympic compound that housed the Israeli Olympic athletes and took 11 hostages. The terrorists demanded the release of 200 Arab prisoners held in Israel and free transportation to Egypt. They further stated that if their demands were not met, they would kill two athletes, and all would be killed if their transportation was not arranged. Alternative demands were offered, which the terrorists refused and saw as “stall” tactics. Police officers observed what they thought were two dead athletes and nine bound ones. After repeated threats to kill hostages, plans were made to move the terrorists and the hostages to

the airport (by bus—terrorists demanded a helicopter, which was provided). Once at the airport, four terrorists took some of the hostages and moved toward a plane, leaving the remainder in the helicopter. At 2300, police demanded that the terrorists drop their weapons and surrender. One terrorist responded by throwing a hand grenade into the helicopter. Three of the terrorists tried to escape; one was killed and two were captured. The terrorists remaining in the helicopter detonated another grenade. The incident ended at 2315 with 11 Israeli athletes, 1 police officer, and 10 Arab terrorists dead (Schreiber, 1973).

Primarily because of this incident, the New York City Police Department (NYPD) evaluated the effectiveness and value of forceful confrontation in hostage incident management and gave law enforcement what Roger Depue, retired chief of the Behavioral Sciences Unit at the FBI Academy, called “its most effective, nonviolent tool.”

Led by Detective Harvey Schlossberg (who also had a Ph.D. in psychology) and Lieutenant Frank Boltz, NYPD formed the first law enforcement Hostage Negotiation unit (Cooper, 1978; Boltz & Hershey, 1979; Schlossberg, 1979b). Schlossberg surveyed the psychological literature and developed principles that emphasized managing hostage incidents as though they were a crisis for the hostage taker. He and Boltz stressed:

1. Containing and negotiating with the hostage taker.
2. Understanding the hostage taker’s motivation and personality.
3. Slowing an incident down so time can work for the negotiator.

Schlossberg and Boltz pointed out that there were four alternatives open to the police in a hostage incident: (1) assault, (2) selected sniper fire, (3) chemical agents, and (4) contain and negotiate (Schlossberg, 1979b). The first three relied on traditional confrontational strategies, while the fourth was the safest approach for everyone (“zero acceptable losses,” a guiding principle of negotiations even today).

Understanding the hostage taker’s motivation and personality is an important principle in negotiations. Schlossberg (1979a) emphasized that there is “no such thing as a ‘psycho.’” Rather, all behavior is understandable, goal oriented, pleasure seeking, and problem-solving in nature. To understand apparently meaningless and random behavior, the negotiator needs to understand the person’s history, goals, and problem-solving abilities. For instance, the paranoid person who hears voices telling him or her to lash out at others is generally acting out of a deep-seated fear of others attacking him or her. If negotiators understand this, the “craziness” of the paranoid’s hallucinations is understandable. If it is understandable, it is less frightening for those who have to deal with it. Understanding focuses attention on the problem of the person’s sense of insecurity and fear rather than on the surface issue of the person’s “craziness.”

Not every hostage taker or barricaded subject has a mental illness. Almost all, however, have poor adaptation and coping skills when faced with a crisis. When people are confronted with a crisis, physiological internal states become elevated (i.e., blood pressure increases, heart rate goes up, central nervous system [CNS] neural activity increases, etc.) and emotions rise. Hostage takers do not think through the crisis and employ appropriate coping mechanisms for dealing with the crisis, instead using inappropriate coping skills (i.e., taking hostages). The most valuable tools a negotiator can bring to the situation are *active listening* and the appropriate use of time.

NYPD emphasized the importance of slowing down an incident so time can work for the negotiator. Frustration of goals leads to arousal, problem-solving, creativity, and finally aggression. When a husband is confronted with an unwanted divorce, his initial reaction will be arousal: the body energizes itself to deal with the problem, and the person feels tense. He engages in some problem-solving behavior designed to reduce arousal and the feelings of discomfort. The husband may promise to change and become more considerate of his wife's requests for more attention. If his attempts at problem-solving are unsuccessful and his wife still insists on leaving, further attempts at changing her mind will be made. If they are unsuccessful, tension continues to rise until aggression may be used as the final solution. At that time, the wife may become a hostage.

Defusing anxiety associated with frustrated goals takes time. Therefore, the police need to respond to hostage takers in ways the hostage takers do not expect: by slowing the incident down and allowing the anxiety to dissipate. Schlossberg called this "dynamic inactivity" (Schlossberg, 1979a).

The Williamsburg Incident—1973: Trying It Out

On 19 January 1973, the first opportunity for the newly formed NYPD Hostage Recovery Program arose (Culley, 1974; Boltz & Hershey, 1979; Schlossberg, 1979b). Four armed robbers entered John and Al's Sporting Goods Store in New York City. A silent alarm was sounded by an employee and police arrived, trapping the robbers in the store. Gunfire was exchanged, and two police officers were wounded and one killed (one robber was also wounded). Rather than assaulting, NYPD contained the situation and began to negotiate. In the evening, one hostage was released for the purpose of informing the police that all the hostages would be killed if the robbers were not allowed to escape, and the robbers wanted a doctor sent in to treat their wounded comrade. Negotiators got a second hostage released in exchange for medical attention for the wounded robber. Although there continued to be sporadic gunfire during the incident, authorities held their fire. Shortly after noon the following day, all remaining hostages managed to escape (they had been secured in a room separate from the robbers). Even though it had become a barricade situation, police continued to negotiate. Finally, at 4:45 pm, the gunmen surrendered after being "convinced" that to fight for oppressed minorities, they must stay alive (Culley, 1974).

The Williamsburg incident was a key incident in the development of hostage negotiations. It proved the effectiveness of the "slow things down and talk things out" approach, even in the face of shots having been fired and officers having been wounded and killed. In place of the usual action-oriented approach to an incident in which emotions run high on both sides, the more controlled, slower, and less reactive approach proved successful in the sense that no other people were killed or wounded. It was a remarkable change in strategy and tactics that took immense courage and for which the NYPD, Harvey Schlossberg, and Frank Boltz will be forever remembered.

FBI Hostage Negotiations Program—1973: Bringing It to the National Level

The NYPD asked the Federal Bureau of Investigation (FBI) to review the curriculum for hostage negotiation, and shortly afterward (1973), the FBI developed a national training program



Photo 1.1

One of the founders and legends in the field of negotiations, Franz Boltz (center). He is pictured with (from left) Wayman C. Mullins, Ret. Lt. Jack Cambria (NYPD), Lt. Mike Falk (NYPD), and Chief Sam Farina (Freeport, NYPD). Frank Boltz (with Hensley) also authored one of the first books in the field of negotiations, *Hostage Cop*.

Source: Photo by A. Brown.

in hostage negotiations at the FBI Academy in Quantico, Virginia. The acceptance of hostage negotiation as a legitimate law enforcement strategy took a quantum leap forward with this training program. In addition to training police officers from around the world in hostage negotiation, the Special Operations and Research Section of the academy brought together behavioral science experts and law enforcement personnel to develop a working relationship focused on hostage negotiation. The International Association of Chiefs of Police followed the FBI's lead by establishing a Hostage Rescue Seminar in 1976 (Noesner, 2010).

The FBI developed a course curriculum on hostage negotiation that has served as the basis for most local law enforcement training. Estimates are that 70 percent of trained police negotiators were trained directly or indirectly using the FBI curriculum. It has generated papers on every aspect of negotiation and has provided a model of cooperation and collaboration between law enforcement professionals and mental health professionals that is being followed today in other areas of police

psychology. In 1995, it organized the Critical Incident Response Group (CIRG) to plan, coordinate, and train for issues involving hostage/crisis incidents in a coordinated and proactive way.

Hostage taking and negotiations did not start with the NYPD. They have been part of the human condition since the beginning of recorded history. In the Old Testament, both Israelites and their enemies took captives: sometimes as the spoils of war, sometimes as a means of indoctrinating the conquered nation into the ways of its captors, and sometimes to weaken the resources of the overthrown nation. These captives were used to guarantee that the vanquished nation would not wage war on its conquerors.

Hostage taking has involved the use of persons as guarantees of payment or as security against war. The Romans held hostages as guarantees of treaties (Call, 1999). During the Middle Ages, European nations expected that people would be held captive to ensure compliance by warring nations. Merchants were taken captive to guarantee that other merchants of the same nationality would pay their debts (Souchon, 1976). During World War II, Germany took as many as two million French hostages after the division of France in 1942 to ensure the cooperation and compliance of the French people. Hostages have also been used to extort payment from a second party. For instance, pirates captured hostages and demanded tribute from people who valued the hostages (Call, 1999).

The United States has been no exception. Hostage taking has been used to make a political point. Outside of law enforcement, negotiations have been used to resolve hostage incidents with varying degrees of success. For instance, the Barbary Coast conflict and Santo Tomas University were geopolitical incidents in which the principles of negotiations were applied to hostage incidents.

Barbary Coast

The Barbary States of Algiers, Morocco, Tripoli, and Tunis owed allegiance to and paid tribute to the Ottoman Empire (Sultan of Turkey). To pay, they attacked and took hostage travelers and merchants sailing the Mediterranean Sea. World sea powers, such as Britain, Portugal, Sweden, France, and so on, paid annual tributes to the Barbary States to keep their ships, cargoes, and crews safe. After the Revolutionary War, American ships in the Mediterranean were seized, crews taken hostage, and ransom paid for their release. By 1785, Congress had made tribute payments part of the annual budget (Beach, 1986). In that same year, for example, the merchant ships *Maria* and *Dauphin* were captured, and the United States paid between \$1,200 and \$2,900 per crewman to obtain their release (Hagan, 1991).

On 21 October 1803, the *USS Philadelphia* ran aground in the harbor at Tripoli. The crew was forced to surrender and the ship seized and converted into a Tripolitan warship. Commanding a captured Ottoman ketch he renamed the *Intrepid*, Captain Stephen Decatur Jr., on the night of 16 February 1804, boarded and sank the *Philadelphia*. On 27 April, a force of 7 U.S. Marines and 400 seamen captured the port of Derna, Tripoli. The Pasha of Tripoli sent a message to the U.S. naval commander threatening to retreat into the interior of the country with 300 U.S. servicemen (Hagan, 1991). The United States paid a \$60,000 ransom and retired on 10 June 1805. This act led the U.S. government to conclude that force was not an option for stopping the practice of hostage taking by the Barbary States.

On 2 March 1815, Congress declared war on Algiers over the practice of tribute. On 17 June, the *USS Guerriere* sank the Algerian *Mashouda* and achieved an unconditional peace treaty

with the Dey, ending the Barbary Wars (Beach, 1986). The resolution came through a combination of negotiation and force. Many of the principles then employed in response to hostage taking are the same as those used today.

Santo Tomas

One of the earliest recorded hostage negotiation incidents in the United States involved the military, not a criminal justice agency. In the later stages of World War II in the Pacific, in January 1945, General Douglas MacArthur returned to the Philippines. In Santo Tomas University, located in the heart of Manila, 350 American and British civilian hostages were being held. MacArthur wanted the prisoners freed as soon as possible (Costello, 1982). He ordered Brigadier General William Chase and elements of the 27th Infantry Division and 1st Cavalry to “Go to Manila.” Traveling over 13 miles behind enemy lines, General Chase led two columns of tanks and heavy armor into Manila.

The Japanese barricaded themselves in the university courtyard with the American prisoners, threatening to kill all the Americans unless the Japanese were allowed to leave Santo Tomas. Surrounded by the Japanese army of General Yamashita and separated from the main body of the army, General Chase engaged in three days of hostage negotiations with the Japanese.

Early in the negotiations, Chase was able to provide food and Red Cross supplies for the American prisoners (Brantley, 1993). By the second day, the Japanese agreed to allow Army medical personnel into Santo Tomas to treat and remove the more seriously ill prisoners (Graydon, 1993). Other concessions were granted by the Japanese during remaining negotiations, including the release of all children (Gillooly, 1993). Finally, on 3 February, Chase reached an agreement with the Japanese whereby the Japanese soldiers would be allowed to leave Santo Tomas (without any weapons) and flee into the city. Chase rounded up all the American prisoners and retreated to friendly lines some 13 miles outside the city of Manila. During the dash to Santo Tomas, negotiations with the Japanese, and retreat, Chase suffered no casualties and no American prisoners/hostages were injured or killed.

Chase relied upon many of the techniques now considered standard practice in hostage negotiations. He used time wisely, deliberately dragging negotiations out for several days to calm the excited and frightened Japanese hostage takers. He negotiated demands, getting something for something. For example, when the Japanese demanded he move his tanks back from the front gate, Chase agreed to do so if the Japanese allowed medical personnel into the University (Irvine, 1993). He “wore down” the Japanese, keeping the Japanese commander awake for long stretches of time, and then, when the commander went to sleep, waking him after only an hour or two of sleep. He used the threat of firepower (similar to the threat posed by Special Weapons and Tactics [SWAT] officers), at one point threatening to unleash his entire column if one was injured. In sum, he performed exactly as trained negotiators would perform.

Development of Negotiations in Police Work—The Context

Modern police departments must handle hostage situations that are generally different from geopolitical incidents. With the exception of the 1970s and recent incidents, most of American criminal justice has not had to deal with hostage taking as an act of war, politics, or economics. Criminals and emotionally disturbed individuals do not take hostages to gain large-scale

political or economic power; they take hostages to force compliance with demands or to express their emotional needs. Often, hostage taking has been an attempt at gaining personal power by individuals caught in the commission of a crime or by individuals who have experienced a long-standing sense of powerlessness (American Justice, 1994). Police departments have had to deal more with law violations or public safety issues when they have dealt with hostage incidents. Additionally, hostage taking in prisons and jails across the country has become commonplace. Prisoners have gained certain rights and guarantees through the courts and continually demand better treatment, better living conditions, and other privileges of prison and jail administrators. Other than legal action, the only redress prisoners may have is the taking of prison property and using hostages (usually prison staff) as bargaining chips.

Significant differences exist between the police management of hostage incidents and international-level management of hostage incidents. Although the United States' avowed policy at the international level is that it will not negotiate with terrorists, even when terrorists hold hostages, law enforcement has generally taken the position that as long as no immediate threat to life exists, negotiations are acceptable. For example, it is quite common for members of drug trafficking organizations (DTOs) and other international criminal/terrorist enterprises to take American citizens hostage for ransom (kidnapping). The FBI and law enforcement will work with the families and help negotiate the hostage's release, even in foreign countries. Many insurance companies that underwrite kidnapping insurance policies hire retired law enforcement negotiators for this purpose as well. For example, in 2001, a Philippine terrorist group, Abu Saaf, kidnapped two American missionaries, Martin Burnham and Gracia Burnham. For approximately a year, FBI negotiators traveled to the Philippines and worked in the United States with the church to try to secure their release (unfortunately, once the hostages were located, a tactical rescue by Philippine authorities was undertaken and Martin was killed, along with a Filipino nurse. Gracia was wounded). Following the English tradition of policing, American law enforcement emphasizes the rule of law and the rights of the individual (Walker, 1992). These elements have led to an emphasis on due process within the American legal system and have been the foundation on which much of American policing has been built. They have been the background against which negotiations have developed.

The individual's rights and the constitutional guarantees that are designed to protect those rights have led to many attempts at law enforcement reforms over the years (Walker, 1992). As early as 1933, the Wickersham Report criticized police use of force as exemplified in the "third degree." Part of the report, titled *Lawlessness in Law Enforcement*, documented the widespread abuse of citizens by police agencies. It cited examples, such as one suspect being hung by his heels from the police department building until he confessed, as abuse of citizens.

Dr. Thomas Strentz

SA Dr. Thomas Strentz (ret.), FBI, had a long and distinguished career with the FBI, serving in multiple capacities, including assignments at the Behavioral Science Unit, Counter-Terrorist Force for the 1984 Olympics, Presidential Inter-Agency Task Force on Aviation Terrorism, and establishing the FBI hostage negotiator selection and instruction program. His dissertation is still considered one of the seminal research works on hostage survival. Dr. Strentz has

published extensively and has two significant books, Psychological Aspects of Crisis Negotiations (3rd Ed.) and Hostage/Crisis Negotiations: Lessons Learned from The Bad, The Mad and The Sad.

I have been in law enforcement since the FBI was successfully sued in the infamous *Downs v U.S.* case back in the early 70s. During the 1971 incident, I was a street agent in Washington, D.C. When the final court decision came down in 1975, I was a supervisor special agent (SSA) instructor in the Behavioral Science Unit (BSU) at Quantico. That's where and when SSAs Howard Teten and Pat Mullany, after teaching at the first NYPD Basic Hostage Negotiations course, outlined the FBI negotiations program. By then, J. Edgar Hoover had gone on to his reward, and a former FBI special agent, Clarence Kelley, who retired as the Special Agent in Charge in Kansas City, was our director. After he retired from the Bureau, he became the chief of police in Kansas City. In that capacity, he saw the value of a law enforcement negotiations option for crisis resolution.

The FBI hostage/crisis negotiations program began in earnest on 1 July 1976 when Conrad Hassel and I were transferred from the Behavioral Science Unit, famous for *Silence of the Lambs*, to a new unit named Terrorist Research and Management Staff (TRAMS). Someone figured out that TRAMS was "smart" spelled backwards, so the name was changed to Special Operations and Research Staff (SOARS). Because the Bureau did not have an administrative designation of Staff, Staff was changed to Unit. From the start, it featured agents from the range, SWAT, EOD (explosive ordnance disposal), and two of us from BSU. With the passage of time, more negotiators and tactical folks were added. We taught courses around our country and at Quantico. We were often on site during sieges to assist in the tactical and negotiations efforts. That remains true today. After several other name changes, the unit is now called the Crisis Response Team.

My initial TRAMS assignment was to fill in the blanks on the psychological aspects of this process. I read reports of incidents, interviewed dozens of negotiators, and noticed that in those days, we were usually dealing with hostage takers who had mental problems. The current trend toward suicidal subjects was years away. Yet we often encountered a lone gunman who took folks hostage and confronted a well-armed tactical team while armed with a six gun and a six pack. Certainly, at some level, he was suicidal.

To put our response to the hostage negotiations process in perspective, the Bureau works aircraft hijacking, bank robberies, and kidnappings. Believe it or not, between 1968 and 1972, we had a total of 145 hijackings of private and commercial aircraft. That is an average of over 29 each year, with a low of 22 in 1968 and a high of 40 in 1969. To finish the story, Dr. Evan Pickernel's Federal Aviation Administration hijacking research produced a passenger screening profile that reduced aircraft hijackings from 31 in 1972 to 2 in 1973. Hijackings remained in single digits until 1980 (22), 1982 (10), and 1983 (19).

During those years, most of them featured the hijacking of commercial flights from Miami to Havana, sponsored by Fidel Castro. Most aircraft hijackings involved subjects who were psychotic, while bank robberies and kidnappings involved those with personality disorders.

I did not limit myself to cases that only involved the Bureau. I interviewed many law enforcement and correctional officers who had negotiated incidents. It quickly became clear to me that what worked for them as negotiators in a hostage siege was what I had learned at Fresno State in my psychology and social work classes about various psychotherapy procedures/models that worked with people who were mentally ill. At the top of the list of what worked best was the use of silence and active listening skills (ALS). Like most mental patients, hostage takers have a story to tell. In that process, they tell therapists what is needed to move toward sanity and, in our case, surrender. That was then and remains true today with people who have a personality disorder like antisocial, inadequate, and borderline, as well as those who are psychotic, like bipolar, paranoid schizophrenic, delusional (paranoia), and other illnesses. I use the diagnostic term *delusional* because that is the current DSM-V name for paranoid people.

To jump ahead chronologically, this brings to mind a 9–11 March 1977 multisite hostage siege in Washington, D.C., that brought the city to a halt. It involved the taking of three buildings, a Jewish service building named B'nai B'rith, a local mosque, and City Hall, where almost 200 Jews, Muslims, and Christians were held hostage. Because of the multiple sites and the many hostages, we had a blank check, from the president on down, to use experts and resources.

DCCPD SWAT came to Quantico for training from the FBI and the USMC in the use of rifles and helicopter operations. Conventional SWAT entry tactics could be used at the mosque and City Hall. But entering B'nai B'rith's seventh floor was a problem. Khaalis (lead hostage taker) controlled the elevators and had filled the stairs with gasoline-soaked furniture. In addition, back then, SWAT did not know how to use elevator shafts as an entry avenue, so one plan was to blow a hole in the roof of B'nai B'rith and drop SWAT into the room from helicopters into the midst of subjects holding the hostages. These officers were to use newly learned rifle skills rather than shotguns to kill subjects, not hostages. This plan was dropped, as it was deemed too dangerous for everyone.

When the siege began, a person was shot and killed by an accidental discharge from the subject's shotgun at the City Hall site. One major complication was that as a service organization, B'nai B'rith was also a sheltered workshop that employed some mentally disabled people. Thus, some of those who initially escaped from the site gave first responders a very bizarre version of events. Fortunately, those who escaped from the mosque and city hall gave very accurate descriptions of events and the subjects.

As Con Hassel and I drove the 50 miles code 3 from Quantico to D.C., we thought, because two of the three sites were religious and one could assume most of the people in city hall were Christian, that the hostage takers were some sort of satanic cult. Unknown to us at the time was that the D.C. police had already identified the subjects because they left their Hertz rental truck in front of B'nai B'rith.

The DCPD knew from the rental agreement that the subjects were from a self-proclaimed Hanafi Islamic sect. This group had no official connection with that sect or Islam. Most Hanafis live and worship in Turkey. Like the Black Muslims in Chicago, the subjects in D.C. were self-proclaimed Muslims. In this case, all were known to the police because of a very bloody multiple homicide that occurred at their 16th Street N.W. sanctuary in 1973, when a rival group of self-proclaimed Muslims from Philadelphia used knives to slaughter the women and children who lived and worshiped there.

The leader of this Hanafi sect was Ernest Timothy McGee, who took the name of Hammas Abdul Khaalis. He was given a medical discharge from the U.S. Army in early 1944. You may remember that in early 1944, the Allies were preparing to invade Nazi-controlled Europe and were not discharging many folks. However, Mr. McGee was mentally ill. He was suffering from paranoia. Between 1944 and 1977, his mental health deteriorated. One aspect of this deterioration was his constant verbal conflicts with the Black Muslims in Chicago that led to the 1973 killings.

After he settled with his flock on 16th Street in the 1960s in far northwest Washington, D.C., he petitioned the city council to prohibit Jews from driving past his home. This wide street is heavily travelled by thousands of commuters from Silver Spring, Maryland, and beyond who work in our nation's capitol. In support of his paranoid rant before the city council, he claimed the Jews were after him and his followers and planned to attack Muslims using 16th Street to launch their international invasion.

Mr. Khaalis was, in his mind, a very law-abiding citizen. After the multiple homicides and his belief that Jews were going to attack, his followers all applied for Concealed Carry Weapons permit. Their request was denied, but their identities were well known by local law enforcement.

One feature of paranoid (delusional) people is their lack of basic trust. As leaders, they need to control as much as possible, so they delegate as little as possible. In this case, Mr. Khaalis negotiated for *all* three sites and made *all* the decisions, day and night, about food selection, delivery mechanics, and every miniscule detail of the negotiations process. His demands were:

1. The killers of his followers be brought from prison to be executed, decapitated, by him at B'nai B'rith.
2. That the fine he paid for disrupting the court proceedings that convicted the killers be returned.

- 3, The movie "Mohammad: The Messenger of God" be removed from the D.C. movie theater.
4. That Cassius Clay, a.k.a. Muhammad Ali, be brought to him.

He repeatedly threatened to decapitate hostages and throw their heads out the windows. Because he controlled the top floor as well as the elevators and stairs, a tactical option was not the first priority. For three days we listened to his delusional rants. The primary negotiating tactic was to stall for time by using ALS to induce fatigue. It was very successful.

We knew Mr. Khaalis was paranoid (delusional), so we used his basic lack of trust and thus his need to control every aspect of the negotiations against him. In addition, we obtained valuable information about him from local law enforcement officers who had dealt with him.

Using ALS and knowing "the devil is in the details," we used the following process day and night.

"Mr. Khaalis, we are very sorry to awaken you but we need to clarify your order for 178 breakfasts from McDonalds. Because of physical and religious dietary restrictions, we need an exact list of how many Egg McMuffins, pancakes and sausage, or other types of breakfast you need. How many coffees? We need the number for those with cream and sugar, coffee with only cream, coffee with only sugar, and how many black. Further, how many and which of those with cream and sugar should contain only certain amounts of each? Do you also want any orange juice, and how many of each should be delivered to the mosque, the District Building (City Hall), and to you at B'nai B'rith?"

This routine of contacting him about the most minute details of every meal for every person plus the details of their delivery kept him involved and awake.

We got the idea of using sleep deprivation from the U.S. Navy Survive Evade Resist Escape (SERE) school at Coronado Island, California, where I instructed in the advanced SERE program. In addition, and by presidential direction, federal civilian agencies like the National Institute of Mental Health kept us current on the use and effect of our tactics on Khaalis. Like SWAT, we had a blank check for experts. Using mutual aid agreements, law enforcement resources from dozens of other departments came to our aid.

To further complicate matters, the prime minister of Israel arrived during the siege for a previously scheduled state visit with President Carter. Such visits require a 21-gun salute at the White House. In this case, the White House was just a few blocks from one siege site. Our Department of State arranged for this reception to occur at Andrews Air Force Base well away from the siege sites.

After three days and nights of ranting and ventilating, Khaalis was fatigued. Ambassadors from Egypt, Pakistan, Iran, and Iraq were very effective in

discussing the Koran in detail and using their knowledge of it to eloquently convince Mr. Khaalis to walk out a hero. All of these resources helped arrange a well-rehearsed exit. I have never seen so many people saluting each other.

Washington, D.C., does not have the death penalty. Even though a person was shot and killed at the City Hall site, neither Mr. Khaalis nor his followers received the death penalty. All of them, shooter and the other dozen-plus subjects, served their sentences and were paroled, never to be heard from again by law enforcement.

1970s—Establishing the Need

Experienced police officers report that, prior to 1973, departments faced with a person holding hostages used one of three methods to manage the incidents:

1. They relied on the verbal skills of the individual patrol officer.
2. They walked away.
3. They amassed manpower and firepower at the scene and demanded that the subject release the hostages and surrender. If compliance was not obtained within a reasonable length of time, an assault was launched (Russell & Beigel, 1979).

The same situation existed in prisons. When prisoners rioted and took hostages, the typical reaction of the prison administration was to use violence to regain control. Prison guards, police officers, and, in some cases, the National Guard would use nightsticks and guns to retake the prison in a military-type assault operation. Often prisoners, prison employee hostages, and members of the assault operation were injured or killed. The 1974 Carrasco incident at the Texas Department of Corrections (TDC) illustrates this approach (Stone, 2000).

Fred Carrasco was in the Walls TDC unit outside of Huntsville, Texas. He was in prison for a variety of charges, including drug dealing and the attempted murder of a police officer. Plotting escape with three other convicts, Carrasco received smuggled handguns from a trustee who worked in the prison director's kitchen (the trustee smuggled the pistols and ammunition into the prison in a hollowed-out ham). Carrasco and the other inmates entered the prison library, which was on the third floor of a multiuse building in the prison (dining halls and recreation rooms occupied the first two floors). They took a prison officer, 11 librarians, and 1 teacher hostage. Their plan was to use the hostages to secure escape. Their escape plot soon turned into a 10-day siege. Very few negotiations were conducted by prison officials or the police (neither of which had negotiators or a trained tactical team). One reason the incident lasted 10 days was that prison officials could not decide how to attack Carrasco's position. Plan after plan was discarded, including one plan to blow up the library building.

Finally, prison officials decided upon a plan to give the hostage takers a military armored vehicle and attack the hostage takers when they exited the library. An armored car was delivered and the hostage takers came out. They had surrounded themselves with rolling bookcases stacked

with books, with the hostages tied to the outside of the “Roman Turtle.” The authorities used high-pressure water hoses in an attempt to break apart the bookcase shield. When this tactic failed, officers using long fire-hook poles ran up and attempted to physically pull apart the shield. During this attempt, both sides opened fire. When the firing stopped, three hostages had been killed and several had been wounded, three hostage takers had been killed (including Carrasco), and several attackers had been wounded. It was estimated that more than 700 rounds were fired during the three-minute firefight. Not just at TDC, but also nationwide, this “attack with superior firepower” attitude was the norm.

Prior to the Carrasco incident, one of the most violent prison incidents in U.S. penal history occurred at Attica prison in New York. On 9 September 1971, more than 1,000 inmates rioted and gained control of Attica prison. The causes of the riot were multifold. Some inmates wanted improved living conditions inside the prison, while others were mad over the death of an African American inmate at a different facility. The Commissioner of Correctional Services, Russell Oswald, tried to negotiate with the inmates without success. After four days, New York Governor Nelson Rockefeller ordered New York State Police to retake the prison by force. On 13 September 1971, New York State Police used tear gas, rifle fire, and assault tactics to regain the prison. As a result of tactical actions, 29 inmates and 10 hostages died. In 2000, New York paid \$12 million to inmates and relatives and another \$12 million to the families of slain prison employees (Lohr, 2012).

In arguably the single most violent prison riot in the nation’s history, inmates at the Penitentiary of New Mexico near Santa Fe, New Mexico, on 2 February 1980, took 12 correctional officers hostage and headed toward Cellblock 5, which housed “snitches” and suspected snitches. Cutting into the cellblock, rioter execution squads threw flaming liquids into locked cells, cut through the bars of other cells, and dragged out the inmates, stabbing, bludgeoning, hanging, burning, and torturing the snitches. Some were thrown from upstairs walkways into the basement. New Mexico State Police responded and secured the perimeter. On Saturday morning, New Mexico Governor Bruce King mobilized the National Guard to assist. Unlike Attica and TDC, authorities opened negotiations with inmates early Saturday morning. On Sunday, 36 hours later, negotiations were successful and inmates surrendered. Even when it was learned the inmates had killed other inmates and inmate hostages and had tortured some correctional staff, negotiations continued. In all, 33 inmates were killed and more than 90 others were seriously injured (Stamatov, 2012).

After the establishment of specialized teams (SWAT), assaults were made by specially armed and trained police officers. However, their effectiveness in reducing injuries and death in violent confrontations was questionable. Schlossberg (1979a) established that in 78 percent of assaults, people were injured or killed. Police officers often sustained the casualties. Hatcher, Mohandie, Turner, and Gelles (1998) pointed out that the SWAT approach was built on a military model in which the number of acceptable losses was part of the decision. Many departments in this era had seven-man teams so that they could take the expected casualties and still overwhelm the hostage taker.

The growth of psychological services within police departments was another factor that favored the development of hostage negotiation. While New York City used an officer with psychological expertise to develop the principles of negotiations, other departments hired civilian staff psychologists in the early 1970s (Reese, Horn, & Dunning, 1991). In response to the recommendations of the President’s Commission on Law Enforcement and Administration of

Justice (1967), departments raised their hiring standards and increased their training in an effort to professionalize. As part of this new effort, applicants had to be certified by a mental health professional as emotionally, behaviorally, and cognitively capable of doing the job. Departments began hiring or contracting with psychologists to do pre-employment screening. This brought law enforcement and psychology into closer contact, opening the way for mental health professionals to influence departments on a number of human factor issues, including crisis intervention, management of abnormal behavior, and hostage negotiation.

Defining the Field

Initially, the field was called *hostage negotiations*, and much of the thinking was shaped by the FBI. It focused on the concerns of the 1970s, which were terrorist hijackings of airliners and bank robberies or other crimes that were interrupted by the police. Incidents like the South Mollucan takeover of a train in Holland and the Hanafi Muslim takeover of the B'nai Brith, summarized subsequently, focused negotiations on what Lanceley (1999) called *intentional sieges*, incidents in which the subjects had predefined goals. The focus was on incidents like the Williamsburg incident, discussed previously, in which the people were what Noesner (1999) called "true hostages" rather than "victims in the making." The model that was applied was a power and bargaining model borrowed from business. For instance, early on, Cohen's book, *You Can Negotiate Anything* (Cohen, 1982), provided a framework for hostage negotiations, where the guiding focus was *quid pro quo*, "something for something." Consequently, principles of bargaining served as guidelines for early negotiating theorizing, training, and practice. The field was defined by terms like *hostage*, *negotiate*, and *hostage incident*. Currently, these ideas still apply to some of the incidents criminal justice negotiators deal with. For instance, Dolnik and Fitzgerald (2008) have suggested that negotiating and bargaining principles could have been used during the Moscow Theater siege and the Beslan School siege and that a different result may have been attained. Therefore, we will look at these definitions and principles.

Hostage

The *American Heritage Dictionary* (1980) defines *hostage* as: "A person held as a security for the fulfilment of certain terms."

There are four important elements to this definition. One, a person is at risk. Animals or inanimate objects can be used in extortion, but it takes a person to make an incident a hostage incident. The goal of negotiations is to save lives, not preservation of property, as Schlossberg (1979a) stated regarding the Williamsburg incident, "The primary consideration in such circumstances is to secure the lives and safety of threatened hostages, the police officers, innocent bystanders, and the criminals themselves." Thus, hostage negotiations are consistent with the public safety responsibility of law enforcement, including aiding persons in danger of physical harm, assisting those who cannot care for themselves, and resolving conflict (American Bar Association, 1980). The emphasis on saving human life has two implications for the negotiator: (1) it increases negotiator stress because of the high cost of failure, and (2) it attracts political and public relations attention because of the drama of life and death. The recent recognition of the impact of traumatic stress on emergency service personnel, police officers involved in shootings

(McMains, 1986; Nielsen, 1986; Solomon & Horn, 1986; Somodevilla, 1986; Reese et al., 1991), and military personnel is ample evidence that feeling responsible for the loss of life can create significant stress. Life-and-death incidents also have a sense of the dramatic (Keen, 1991). Some hostage takers, such as terrorists, play on this drama. The media, family members, friends, witnesses, and sometimes the general public are all attracted to such incidents, and as such, negotiators and their departments should plan for the management of the potential audience. Also, because of the high liability at these situations, departments' negotiation teams need to be well trained and well rehearsed.

Two, the person is "held" and not there voluntarily. This holding can also have a psychological component as well as physical. A hostage is traumatized by their lack of control and feelings of powerlessness and dependence upon their captor. Thus, negotiators need to know how to recognize and manage both this trauma and dependence (i.e., conducting victim debriefings and setting the stage for the Stockholm Syndrome—detailed in the section in this chapter titled "Sveriges Kredit Bank, Stockholm" and in Chapter 10). Because of their training in traumatic stress, some departments have expanded the role of negotiators, using them in crisis debriefings other than hostage incidents, to help search-and-rescue workers manage the emotional impact of their work, and to debrief crime victims (McMains, 1988; Greenstone, 2005).

Three, the person is held as security—a guarantee—and thus has utility to the hostage taker. Initially, the hostage taker may not perceive the hostage as a person, thus lowering their value as security (Schlossberg, 1979b). Part of the negotiator's job is to personalize the hostage to the hostage taker. This can be a subtle art, for if the negotiator directs too much attention to the hostage, it may empower the hostage taker by overvaluing the hostage's worth. The negotiator has to personalize without overvaluing.

Four, the person is held as security for certain terms. There is an expected return—a *quid pro quo* for the hostage taker. The hostage taker has demands that must be met for the safe release of the hostage. The principal job of the negotiator is to find acceptable alternatives for the hostage taker. Goldaber (1979) has pointed out that every hostage taking is reducible to two elements: who are the hostage takers, and what do they want? Negotiation adds two additional elements: what will they take, and what are we willing to give? For instance, rather than the escape a gunman demands during a bungled robbery attempt, he might settle for the negotiator going to court with him to testify about his cooperation in releasing the hostage.

Negotiate

The *American Heritage Dictionary* (1980) defines *negotiate* as: "To arrange or settle by conferring or discussing." Cohen (1982) added to this definition by saying that negotiation is the use of information and power to affect behavior in a "web of tension." He points out that conflict is a natural part of negotiation. It always involves people wanting to maximize their gains and minimize their losses. Again, several points need highlighting:

1. **The attitudes of the people involved in a conflict contribute to the ultimate success or lack of success of a negotiation.** Fisher and Ury (1981) and Ury (1981) have stressed the importance of recognizing that there are two parts to negotiations: resolving conflict and maintaining the relationship. Attitudes influence the relationship. McMains

(1988) has pointed out that police officers tend to develop three attitudes that interfere with relationships: everything is either black or white, feelings are not important, and solutions to problems need to be found immediately. Negotiators need to develop attitudes of caring, understanding, and patience to service the relationship element in negotiations.

2. **The settlement comes through “discussing or conferring.”** Rather than relying on the tactical approach, negotiations depend on the use of words and people skills. In an effort to save lives, tactical options are the least effective. Assaults result in a 78 percent injury or death rate (Strentz, 1979) and sniper fire in a 100 percent injury or death rate, while containment and negotiation have resulted in a 95 percent success rate (FBI, 1991; Mullins & Sandel, 2014). Some research (Butler, Leitenberg, & Fuselier, 1993) has suggested that negotiating teams that have mental health consultants available are more effective than teams that use no mental health consultant. Along with developing personality profiles of the hostage taker, a large part of the mental health consultant’s role is to keep the team focused on appropriate crisis intervention and communications skills.

Negotiators must not only be good at “discussing and conferring”; they must believe in the effectiveness of negotiating. This “genuineness” communicates itself for negotiators, the same way it communicates itself in counseling (Carkhuff & Berensen, 1967).

Discussing and conferring requires some specific communications skills: active listening, persuasion techniques, and problem-solving skills. Active listening is the ability to hear what the other person is saying: his words, his feelings, and his expectations, and to let him know that you have heard. It requires the negotiator to pay close attention, to ask himself what all this means to the other person, and to ask the person if he has heard the message correctly. It avoids advice-giving, criticism, or judgments. Active listening is essential in the early stages of every negotiation, to defuse emotions and to establish understanding. Negotiators need to develop all of these.

3. **The goal of negotiation is the settlement of an incident.** Several authors (Goldaber, 1983; Bolton, 1984; Covey, 1991) have pointed out there are three ways of settling conflict. One is a win/lose solution, in which one side must give in. Two is the avoidance solution, in which one of the sides walks away. Three is the win/win solution, in which both sides gain something. Traditionally, police conflicts have been resolved in a win/lose manner. In most conflict situations, the police have relied on having more power than the hostage taker to force a resolution. However, the Munich incident demonstrated the limits of raw power. It showed that sometimes the other side cannot be overpowered without significant loss. Neither can the police avoid conflict. Their role as protectors of society demands that they do something if lives are threatened. Negotiation requires and represents a fundamental change in the exclusive reliance on power to handle conflicts.

Discussion alone does not necessarily solve problems, a fact to which any husband or wife can attest. Rather, the ability to arrive at an agreement with which both parties are comfortable makes negotiation effective. Fisher and Ury (1981) have suggested that a wise agreement involves three elements. Negotiators need to keep these three elements in mind,

because they provide a framework in which the negotiator's skills and abilities are practiced. An agreement must:

1. **Meet the legitimate interests of both parties to every extent possible.** There are usually two sides to every issue. Negotiators have to pay as much, if not more, attention to the other side's goals and needs as they pay to their own. They need to ask: "What does the hostage taker want? What do they need? If I were the hostage takers, how would I be thinking and feeling?" Without consideration of the other side, negotiations become nothing more than power struggles.
2. **Resolve conflicting interests fairly.** There has to be some standard by which parties involved in a negotiation can judge the fairness of an agreement. It is not just the exercise of the most power that determines the correct solution to a problem. Rather, negotiators have to be able to show how a solution benefits both parties. In a hostage incident, benefiting both parties does not necessarily mean going along with the hostage taker's initial demands. Rather, it



Photo 1.2

The strength and a great deal of success in crisis negotiations are due to the coordinated effort of a well-trained and well-practiced team.

Source: Photo by M. Fatheree.

means helping the other person expand his or her view of his or her own needs and showing him or her new options for meeting these expanded needs. For instance, the depressed woman who has lost her boyfriend and takes a hostage to force the police to kill her needs to see that there are other ways of meeting her need for care and concern from others, for finding relief from the pain of the loss, and for the embarrassment of having lost the “perfect mate.”

3. **Take community interests (relationships) into account.** Relationship is an important issue in negotiations. Negotiators need to separate issues from relationships and demands from people (Fisher & Ury, 1981). They need to discuss them as different issues. When this is done, it is easier for the negotiator to say, “I care about you, but I disagree with your behavior.” In addition, negotiators need to understand that their actions during an incident are being viewed by the larger community. The things they do are the things the community expects them to do the next time. For instance, if, during an incident involving family members being taken hostage by an emotionally disturbed person, a negotiator agrees to take that person to a mental health clinic and then does not, the negotiator is neglecting the relationship issue. This will make it more difficult for the hostage taker to trust police in the future. This will also make it more difficult for the larger community to trust the police.

A Hostage Incident

A *hostage incident* is any incident in which people are being held by another person or persons against their will, usually by force or coercion, and demands are being made by the hostage taker. Hostages are used to gain compliance or attention in several kinds of incidents.

Traditionally, hostage incidents have been looked at from the context within which hostages are taken. These contexts include hostages taken in the commission of a crime, hostages taken by emotionally disturbed individuals, hostages taken during prison riots, and terrorist hostage taking (Hassel, 1975; Miron & Goldstein, 1979; IACP, 1983; Goldaber, 1983; Soskis & Van Zandt, 1986). Negotiators should have a working knowledge of each kind of incident, because they will need to modify their approach to accommodate each type of situation.

In looking at hostage takers’ motivation and goals, Miron and Goldstein (1979) point out that incidents have both an instrumental value and an expressive value to the hostage taker. Hostage taking is both an act designed to gain compliance with demands—the instrumental nature of the incident—and an act designed to display the power of the hostage taker—the expressive nature of the relationship. An armed robber interrupted during the commission of a crime takes hostages with the primary purpose of forcing the authorities to comply with his demands for escape. His are instrumental demands. On the other hand, the terrorist who takes hostages to draw attention to his cause and who wants to demonstrate the powerlessness of the existing government is emphasizing the expressive nature of the incident.

Hostage takers can be arranged on a continuum. The continuum starts with those who emphasize the instrumental nature of hostage incidents (Miron & Goldstein, 1979) and runs from the antisocial personality who wants money and transportation (at the functional end) to the emotionally disturbed hostage takers who use the incident to express their outrage, anger, or fear of a situation (at the expressive end). Terrorists are in the middle, wanting to gain both political and economic concessions and to show their power (Hassel, 1975, suggested withholding media coverage from terrorists to avoid potential expressive needs of martyrdom).

Understanding the differences in these motivations is important because it will determine the strategies, tactics, and skills needed in a specific incident. The SAFE model emphasizes the fact that there are at least four dimensions to which negotiators must attend in every incident: **S**ubstantive issues, **A**ttunement or trust issues, **F**ace or self-image, and **E**motions. The first and the last correspond to instrumental and expressive demands.

The definition and development of the field has always been an interplay between experience and theory. Schlossburg and Bolz represent that interplay. NYPD called upon the Ph.D. psychologist who used crisis intervention principles to develop a response to high-conflict incidents, and the field commander implemented the design. The incidents provided the experience against which to test the theory. At the same time, experiences in the field were providing ideas and focusing on issues that shaped the field. Some of the defining incidents are summarized subsequently.

Downs v. United States: The Legal Foundation—1971

Even before the Munich massacre and the Williamsburg incident in New York, the legal foundation for hostage negotiation was established in *Downs v. United States*. On 4 October 1971, FBI agents from the Jacksonville, Florida, field office intercepted a hijacked aircraft at the Jacksonville airport that landed for refueling. On board were two armed gunmen holding two crew members and the wife of one hijacker hostage. The hijacker and wife were reported to have a long history of marital difficulty. The hijackers wanted fuel, engine restarter, and removal of all law enforcement personnel. The plane's captain reported that one of the gunmen had 12½ pounds of explosives. After the FBI refused the fuel request, the copilot was released so he could negotiate for fuel. Next, one gunman deplaned and demanded fuel. A decision was made to assault the aircraft. A car was moved in position to block the aircraft from moving, and the Assistant Special Agent in Charge (ASAC) moved to the door and ordered everyone to leave the plane. Three shots were heard from inside the plane. After quieting the engines by gunfire, the ASAC entered the plane and found all three occupants dead (FBI, 1985).

In a civil action, a district court ruled the FBI was not negligent in its handling of the hijacking and that force was reasonable under the circumstances. Upon appeals, however, the appeals court ruled there was a "better-suited alternative to protecting the hostages' well-being." The court further added the degree to which law enforcement officers will be excused for errors in judgment in emergency situations is "qualified by training and experience he has or can be expected to have, in coping with the danger or emergency with which he is confronted" (*Downs*, 382 F. Supp. At 752). FBI guidelines on hijackings emphasized that hostage safety was of primary importance, and there appeared to be positive (hostage released and attempts to negotiate) rather than negative reactions from the gunmen to being delayed; negotiations were a viable alternative to force. Because the ASAC was trained on these guidelines, the appeals court found the district court to be in error and reversed its decision. A third alternative to use of force or escape in emergency situations had been established.

Sveriges Kredit Bank, Stockholm: Impact on the Hostages—1973

On the morning of 23 August 1973, a lone gunman initiated a 131-hour hostage incident at the Sveriges Kredit Bank, Stockholm, Sweden. He demanded the release from prison of his ex-cellmate, who joined him and four hostages in the bank vault. In addition, he asked for

transportation out of the country and \$750,000, which the authorities refused. During the siege, the hostages came to fear the police more than the hostage takers, believing they knew better than the authorities what needed to be done to preserve their own lives, and they overtly sided with the hostage taker's position against the authorities. This allegiance to the goals of the hostage takers has become known as the Stockholm Syndrome (Cooper, 1978).

Though it does not occur often, the Stockholm Syndrome is important in negotiations for two reasons:

1. It can be purposely developed by either the police or by the hostage to build a relationship between the hostage taker and the hostage that may save the hostage's life. For instance, when General Dossier, a U.S. Army military commander in Italy in the 1970s, was taken hostage by Communist dissidents, he developed a relationship with one of his guards. They talked about politics, family, and their personal lives over a period of days. When the Italian authorities raided Dossier's prison, this same guard turned and pointed his weapon at the general, but could not fire (FBI, 1991).
2. Negotiators need to understand that strong emotional ties can develop between hostages and their captors. These ties may lead the hostages to return to the scene with hostage takers who have not surrendered, to hostages downplaying the aggressiveness of the hostage taker, and sometimes to hostages making statements to the media favorable to the hostage taker's cause. For these reasons alone, negotiators need to contain and isolate the released hostages and carefully evaluate any intelligence information they receive from hostages.

The South Moluccans: Success After the First Loss—1975

Another incident helped to solidify negotiation as an effective alternative to armed assault, even in the most demanding circumstances. Seven members of the South Moluccan Independence Movement took over a Dutch train near the town of Beilen. Even though hostages were killed early in the incident, the patient application of hostage negotiation principles ultimately resolved the incident. The hostage takers had several political demands, including recognition from the Dutch government, television time to explain their cause, and a meeting overseen by the United Nations between the South Moluccan Independence Movement and the Dutch and Indonesian governments. Refusing all of these demands led to the beginning of a 12-day siege. Authorities did give the hostage takers some minor concessions such as food, water, blankets, and medicines in a strategy designed to attend only to basic survival needs. Also, the importance of personalizing hostages was brought home when the terrorists chose one of the passengers to execute. The passenger was allowed to speak to his daughter and say goodbye, whereupon the terrorists decided not to execute him (they chose another passenger, who was only wounded). On 14 December 1977, the terrorists surrendered (Cooper, 1978).

Two additional issues were illustrated by the South Moluccan incident: negotiation can be successfully pursued even after there has been violence, and hostage incidents are highly effective in publicizing situations or causes that until that time are obscure. Even though there had been shootings of the hostages during the incident, the government's refusal to give in to the terrorists' demands resulted in the eventual surrender of the subjects. Frequently, the question of when to use a tactical solution is important in hostage incidents. The usual answer is that when violence occurs, law enforcement officials have a responsibility to stop the violence. The South Moluccan

incident (as did the Williamsburg, New York, incident) suggests that a peaceful resolution can be obtained in hostage incidents even if there has been prior loss of life.

Prior to the taking of hostages, the plight of the South Moluccans was an issue only for Holland. Most of the world had no idea where South Molucca was or what issues surrounded the conflict between South Molucca and the Dutch government. Few people knew that the Dutch had promised South Molucca its independence during World War II. However, during the incident, the world learned of the plight of the South Moluccans. Hostage incidents are effective in bringing attention to otherwise unknown causes.

The Hanafi Muslim Incident: The Role and the Impact of the Media—1977

The Hanafi Muslims were a sect of the American Black Muslim movement that in March 1977 took over three locations in Washington, D.C. They were outraged by the murder of women and children at the Hanafis' home in Washington by a rival Black Muslim group. Even though the hostage takers had been caught, tried, and imprisoned, the Hanafi Muslims' leader, Hamaas Khaahlis, did not think they had been punished in accordance with dictates of the Koran, the holy book of Islam. He took over the headquarters of B'nai B'rith, a Jewish service organization, to bring attention to his demands. He also wanted a film on the Muslim faith removed from theaters nationwide, the murderers of his people as well as the murderers of Malcolm X brought to him, the police to reimburse him for the \$750 fine levied against him for contempt of court, and all Muslim countries notified that he intended to kill Muslims and create an international incident. During the 40-hour siege, many people, including media representatives, were able to get through to the Hanafis on the telephone. The media let slip the information that one of Khaahlis's bitter enemies, Wallace Muhammad, was at the Washington airport, defeating negotiators' attempts at avoiding his demands. The incident was resolved after a District Court judge agreed to allow Khaahlis to remain free on bond until his trial (Miron & Goldstein, 1979; American Justice, 1994). As a postscript, Khaahlis died in 2003 at the Federal Correctional Center (FCI) Bunter in South Carolina. The Hanafi Muslim incident brought to law enforcement's attention the need to have a working relationship with the press and highlighted the importance of isolating the hostage taker's communications.

Additionally, the incident opened the debate on the social, economic, and political consequences of agreements made during negotiations that is still debated (Miron & Goldstein, 1979; American Justice, 1994). The question of whether an agreement made during negotiations is valid has been addressed in case law. In *United States v. Crosby* (713 F.2d 1066 [5th Cir. 1983], *cert. denied*, 464 U.S. 1001 [1983]), the court ruled that the jury could not hear the portion of a negotiation tape in which negotiators promised the defendant that he would not be prosecuted if he released his hostages because it might induce unnecessary sympathy for the defendant. In *State v. Sands*, the court ruled that a written letter of immunity signed by the local sheriff was invalid because it was signed under duress. However, the other side of the argument comes from negotiators themselves, who say that failure to follow through on promises destroys their credibility, making it more difficult not only to negotiate with the same individual a second time but, because negotiations are a public event, making it more difficult to negotiate in good faith with anyone.

Refining the Field

From Hostage Negotiation to Crisis Intervention

Hatcher et al. (1998) have discussed the changes in negotiations from 1971 to 1998. They point out that negotiations moved from concern about hijackings, terrorist acts, and political statements to incidents that are more personal in nature, that is, domestic incidents and barricaded subjects. Along with the change in types of incidents came a change in strategies and tactics. Negotiators in the “first generation” emphasized reducing the confrontational nature of incidents, defusing the high emotions in most incidents, negotiating small issues to set the stage for agreement on larger issues, the use of the passage of time to allow for the reduction of the hostage takers’ ability to sustain the encounter, the development of the unique relationship between the subject and the victim (Stockholm Syndrome), and reaching the point in the incident in which the subjects’ interests shifted from their initial demands to concern about how to end the incident safely.

In the 1980s, the emphasis among negotiators moved away from prisoners and terrorists to emotionally disturbed individuals, trapped criminals, and domestic incidents (Hatcher et al., 1998). This was “the second generation” of negotiations in which the application of crisis intervention techniques and active listening skills came into use. It recognized that although time was generally on the side of the negotiator, there were situations in which the passage of time increased the risk to the victim. A careful analysis of the relationship among the context, the perpetrator, and the hostage was necessary (Hatcher et al., 1998).

Initially, police negotiators focused more on bargaining principles than crisis intervention techniques. One of the federal government’s concerns in the early 1970s was aircraft hijackings. Ten percent of airline hijackings between 1931 and 1989 occurred in 1969. Five hundred and twenty-eight airline hijackings occurred between 1969 and 1982 (Feldman & Johnson, 1999). Negotiation/bargaining techniques were the choice in dealing with these incidents, in which the subjects wanted something (substantive demands). Bank robberies also were federal concerns. Frequently, bank robbers made substantive demands and bargaining was appropriate. Local departments followed suit in approaching incidents they handled using bargaining techniques.

The FBI guidelines were heavily loaded with bargaining techniques. Suggestions such as the following emphasized the bargaining aspects of crisis, as opposed to crisis intervention techniques:

1. The use of time to increase basic needs, making it more likely that the subject will exchange a hostage for some basic need.
2. The use of time to collect intelligence on the subject that will help develop a trade.
3. The use of time to reduce the subject’s expectation of getting what he wants.
4. Trades can be made for food, drink, transportation, and money.
5. Trades cannot be made for weapons or the exchange of hostages.
6. The boss does not negotiate.
7. Start bidding high to give yourself room to negotiate (ask for all the hostages).

8. *Quid pro quo*: get something for everything.
9. Never draw attention to the hostages; it gives the subject too much bargaining power.
10. Manipulate anxiety levels by cutting off power, gas, and so on.

All of these guidelines were designed to deal with bargaining issues in a negotiation. The problem was that bargaining-oriented guidelines did not always fit the incidents that arose.

The types of incidents in which municipal police agencies use negotiators are not restricted to hostage incidents. Gist and Perry (1985) found that the majority of negotiator deployments were to domestic, barricaded, or suicidal situations. Surveying major police departments on the value of negotiators and negotiator training, McMains (1988) found that departments were using negotiation skills in a variety of nonhostage incidents. Over a five-year period, only 18 percent of negotiator calls in the 15 largest U.S. cities were for hostage situations. Fifty percent involved barricaded subjects who had no hostages, 17 percent were for high-risk suicides, 8 percent were to debrief people who were involved in crisis situations (victims of crimes, victims of stalking, rescue workers who were involved in mass casualty incidents, etc.), and 7 percent were to help manage the taking into custody of people who were being involuntarily committed to a mental health facility. It has been suggested that of the 18 percent of incidents identified as hostage incidents, some of them really did not meet the criteria of someone being held to guarantee a demand. A national survey conducted by Mullins and Sandel (2014) found negotiators only responded to 4.5 percent of true hostage incidents. The vast majority involved some type of barricaded subject (83.25 percent). Their results are shown in Table 1.1. Young (2016) also found that 42 percent

TABLE 1.1 Types of incidents worked by hostage/crisis negotiators. Results of a national survey.

Type of Incident	Average	Std. Deviation
True Hostage Incidents	4.5	10.2
Barricaded Suspect	48.5	27.8
Barricaded With Victims	9.0	15.5
Any Suicidal Person	9.0	15.5
High-Risk Suicide	16.75	23.5
Riots	0.3	1.8
Sieges	0.3	1.8
Warrant Service	9.5	17.9
Critical Incident Debriefings	1.5	3.5
Other	1.12	6.5

Source: Mullins and Sandel (2014). Used with permission.

of surveyed negotiators have served as the primary negotiator at least five times. Last, Young, Hennington, and Eggleston (2018), in their survey of hostage negotiators and SWAT operators, found that 96.7 percent of the 33,280 incidents responded to by the officers in this study resolved “without injury to officers or innocent parties,” and 84.1 percent resolved “without force.”

Research on hostage negotiations began to show that most of the people involved in them are likely to respond to crises in their lives in maladaptive ways. In reviewing 3,330 randomly selected hostage incidents occurring between 1973 and 1982, Head (1990) noted that 70 percent of the cases he reviewed involved criminals, prisoners, or emotionally disturbed individuals—populations that would be expected to be easily overwhelmed by unplanned incidents. Similarly, Butler et al. (1993) found that the majority of hostage takers in the United States were emotionally disturbed. Feldman (2001) reported on his review of 120 incidents, in which 81 were personal/domestic disputes, mentally ill patients, workplace violence incidents, alcohol or drug related, or students, all groups that are easily thrown into crisis. Of the 144 subjects in Feldman’s study, 140 (97 percent) had psychiatric diagnoses.

At the same time that negotiation was developing in law enforcement, others were exploring the use of crisis intervention principles in policing. For instance, Rosenbluh (1974), in collaboration with William Reichart and Lt. James Olney of the Louisville, Kentucky, Police Department, developed extensive training programs in crisis intervention for the Louisville-Jefferson County Police Academy. Their objectives were to: (1) help intervenors put disputants and sufferers at ease; (2) help intervenors zero in on solvable problems; (3) help intervenors bring individuals to workable solutions to their problems; and (4) trace the development of maladaptive responses to crisis, such as suicide. Professionals in other areas of the country began applying crisis intervention ideas to a broad range of policing issues. Greenstone and Leviton (1982) suggested that most of the people with whom officers deal are in crisis, and crisis intervention principles are the preferred method of managing incidents. In the late 1970s, Lanceley (1994) realized that police officers were infrequently asked to deal with incidents like Munich. In most of the incidents negotiators dealt with, bargaining techniques were inappropriate. He integrated crisis intervention techniques and suicide intervention into the FBI curriculum in 1983. Negotiators are currently being effectively used to intervene in:

1. Barricaded subject incidents
2. High-risk suicide attempts
3. Domestic incidents
4. Prison and jail riots
5. Mental health/high-risk warrants
6. Debriefing in crisis incidents
7. Stalking incidents
8. School and violence in the workplace

Crisis: Definition

The shift in emphasis from hostage to crisis introduced new definitions and concepts into criminal justice negotiations. Terms like *crisis* and *crisis intervention* started to define and refine

the field. Because of the increased emphasis on crisis, many teams have changed their names from hostage negotiators to crisis negotiators.

A *crisis* is defined as a situation that exceeds a person's ability to cope (Hoff, 1989). One of the fathers of crisis intervention, Caplan (1961), emphasized that a crisis occurs "when a person faces an obstacle to important life goals that is, for a time, insurmountable through the utilization of customary methods of problem-solving"—it exceeds the person's ability to cope.

When confronted with an insurmountable problem, people feel a rise in tension and attempt to solve the problem. If that attempt is unsuccessful, there is a further rise in tension. Caplan says, "A period of disorganization ensues, a period of upset, during which many abortive attempts at solution are made." It results in what the Network of Victim Assistance (NOVA) (1992) has called a cataclysm of emotions. People are overwhelmed by feelings that range from fear to panic, from anger to rage, and they experience mental confusion.

Most spontaneous sieges (Lanceley, 1999), barricaded subjects, high-risk suicide attempts, emotionally disturbed individuals, and people who have been victimized by violent crimes are people who are facing a situation in which they are having problems coping. They can be considered in crisis. For instance, domestic disputes that erupt into violence are not usually new problems. There is frequently a history of unproductive attempts at problem-solving that cycle through the same argument time after time. In frustration, one of the partners threatens to leave as an attempted solution to the discord in the relationship. At this point, the other partner is faced with a new problem—how to keep the partner from leaving. The crisis has intensified. This is when the risk of violence increases, because the person being left has no other ways of achieving his goals. Both parties are in crisis.

Spontaneous sieges (Lanceley, 1999) involving "victims in the making" (Noesner, 1999) involve people who are in crisis. Any incident in which the actor did not plan on dealing with the police/corrections officer can be seen as a crisis.

Stages of a Crisis Incident

Crises can be seen as happening in stages that have different characteristics and require different skills to manage (see Table 1.1). Although authors vary somewhat regarding the exact nature of the stages of a crisis (Caplan, 1964; Tyhurst, 1951), each emphasizes the usefulness of viewing crisis as a process, with predictable stages through which people move. Each stage has different issues with which negotiators must deal and requires different skills that are valuable in dealing with the issues of that particular stage. An understanding of the stages of an incident helps negotiators select the right skills for what is going on at the moment, provides an organized evaluation of the incident to command, and projects strategies for moving to the next stage of negotiations. The stages are:

1. Precrisis
2. Crisis
3. Accommodation/negotiation (stabilization)
4. Resolution

TABLE 1.2 Summary of goals, issues, and skills important to negotiators at each stage of a crisis.

Stage	Attitudes	Goals	Techniques
Precrisis		Practice	Public speaking
	Planning	Intelligence gathering and analysis	
	Prevention		
Crisis/defusing	Acceptance	Establishing	Reassurance
	Caring	Relationship	Active listening
	Patience	Credibility	Emotional labeling
		Safety	Paraphrasing
		Encourage ventilation	Reflection of feelings Effective pauses
		Assess problem	Mimic
Adaption/negotiations	Acceptance	Facilitate	Open-ended questions
	Caring	Prediction of consequences	Problem-oriented questions
	Patience	Planning a different action	Persuasion and influence techniques
			I-messages
Resolution/surrender	Acceptance	Peaceful resolution	Guided imagery
	Caring	Managing increased tensions	Stress management techniques
	Patience		

Source: Michael J. McMains, Ph.D. Used with permission.

Kelln and McMurtry (2007) have criticized the stage model for its lack of specificity and its focuses on the crisis stage and active listening skills. They suggest the use of what they call the STEP (structured tactical engagement process) model in dealing with issues of moving actors from a position of precontemplation to change. The current authors have dealt with this issue by integrating principles from motivational interviewing and intentional interviewing into the response to crisis. A more thorough discussion of the issue is found in Chapter 3.

1980s—Putting Negotiations Into Practice

Rochester, New York: Suicide by Cop—1981

In June 1981, an incident at a bank in New York raised law enforcement's awareness of the possibility of subjects using police officers as instruments to end their own lives: suicide by cop. William Griffin, age 38, engaged the police and FBI in a 3 1/2-hour standoff at a neighborhood bank. He had entered the bank, ordered customers out, and taken bank employees hostage. He had the bank manager call police and tell them that if they did not "execute" him that he would start "throwing bodies out" in one half-hour. He shot and wounded two police officers who responded to the bank's silent alarm. Griffin refused to negotiate with authorities. At 1500, he had teller Margaret More stand in front of the door of the bank, and he shot her with the shotgun he had brought to the bank. He then went to the window and exposed himself to the police sniper he knew was across the street and was shot and killed. He had shot and killed his mother and a handyman and wounded his stepfather at his home prior to going to the bank. Authorities found his diary, which had a carefully worked out plan for forcing the police or sheriff to take his life. This incident brought the issue of suicide by cop (SbC), incidents in which the actor uses the police as instruments of his or her death, to the attention of FBI negotiators. Van Zandt (1993) used this and other incidents in the 1980s to illustrate the need for negotiators to recognize and learn to deal with this subset of suicidal people. He suggested a profile that could be used to raise officers' awareness of the potential for the subjects' forcing a violent confrontation in order to be killed. Issues of SbC will be discussed in more detail in Chapter 7.

The Anatomy of a Siege: Post-Traumatic Stress—1981

Wesselius and De Sarno (1983) reported an incident that illustrated the emotional and psychological impact of being a hostage. These authors reported that, on a weekend morning in 1981, a 24-year-old male forced his way into the headquarters of a police agency. He took the security officer and clerical personnel hostage. He told the office personnel to continue their duties as usual. He demanded to see five police officers and a specific black chaplain with whom he had dealt before. His behavior was volatile, switching from calm to agitated with little provocation. His voice would rise in pitch, and his rate of speech would increase. He ordered food from the "best restaurant in town," and he referred to the secretary in the building as "my secretary." Clearly he was grandiose and paranoid. He released one woman early in the incident when she began to cry uncontrollably. He released three other women after a discussion with negotiators about whether he was giving up control and showing a weakness in character by doing so. Negotiators had to reassure him about his safety.

He was assessed to be a paranoid schizophrenic and thought to be a threat to the hostages. The authorities decided to end the siege tactically, and a police sniper shot him when he was pointing his gun away from the hostages. Four months after the incident, the employees were interviewed by a psychiatrist, who discovered that virtually all hostages used denial to deal with the threat during the incident. They did not think it was real. However, after the denial faded, the hostages experienced a range of feelings from fear to terror, despair, abandonment, resignation, and rage. After the incident, they reported classic signs of post-traumatic stress disorder,

including excessive startle reactions, emotional numbing, withdrawal from their usual activities, reliving the experience either in flashbacks or nightmares, inability to concentrate, and avoidance of situations that reminded them of the incident. Chapter 10 discusses hostage behavior and post-incident psychological and physical issues for hostages.

The Oakdale and Atlanta Prison Sieges: Application to Corrections—1987

Several hostage incidents have proven the utility of hostage negotiation principles in the prison setting. The largest such incident was the simultaneous rioting of Cuban immigrants at Oakdale, Louisiana, and Atlanta, Georgia, federal prisons in November 1987. A total of 1,570 inmates took a total of 126 hostages at the two locations. They demanded to be heard. They thought the U.S. government, through the Immigration and Naturalization Service, had lied to them and that the agreement between the United States and Cuba to return them to Cuba posed a serious threat to them. After 9 days at Oakdale and 12 at Atlanta, the siege ended. The FBI found the following negotiation principles particularly useful (Van Zandt & Fuselier, 1989; Van Zandt, Fuselier, & Lanceley, 1989):

1. Allowing time to pass
2. Negotiating with the identified leader
3. Negotiating in English rather than Spanish
4. Tape-recording and reviewing negotiations
5. Using mental health consultants
6. Providing a surrender ritual

Not quite four years later, on 21 August 1991, Cuban inmates once again rioted, this time taking over the Alpha Unit at the Federal Correctional Institution at Talladega, Alabama. They took a total of 26 people hostage, 8 Bureau of Prisons (BoP) staff, 3 INS staff, and 15 American inmates. Their major concern was displeasure over the Oakdale and Atlanta resolution, and they wanted more than just federal involvement in the follow-up to the Cuban inmate plight. Additionally, they demanded press coverage, medical attention for inmates, and a “commission” of prominent citizens established who could plead the Cuban case to the general public.

A combined team of FBI negotiators and BoP staff was assembled to negotiate and provide tactical support. The FBI had prior prison negotiation experience, and the BoP had expert knowledge about the prison population, including the Cuban inmates. By 30 August, it was clear that a tactical solution was the only viable option, and a tactical entry was undertaken, resolving the incident.

Fagan and Van Zandt (1993) reported that even though the incident was resolved tactically, negotiators were essential to the incident and provided lessons that could be used successfully in the future. They identified the more moderate inmate leaders and focused negotiations through them and showed the value of alternating between Spanish and English negotiations;

using English during crisis and Spanish during problem-solving. Additionally, negotiators were valuable during the tactical resolution:

1. Gathering intelligence necessary for the tactical team
2. Buying time so the tactical team could improve the assault plan
3. Allowing the Cuban inmates to vent emotions, calming them, and reducing risk to the hostages
4. Lulling inmates into a sense of safety and security, increasing the element of surprise for the tactical team

1990s—Learning Additional Lessons

Three landmark cases spurred further development in negotiations in the 1990s: (1) the Ruby Ridge, Idaho, standoff in August 1992; (2) the Branch Davidian Siege at Waco, Texas, in 1993; and (3) the Freemen Standoff in Montana. Additionally, two high-profile prison cases facilitated the development of negotiation resources in correctional agencies. Additionally, the Columbine High School shooting in 1999 contained valuable lessons for negotiators.

Ruby Ridge: Third-Party Intermediaries—1992

On 21 August 1992, the United States Marshal's Service had an armed encounter with Samuel Weaver, the son of a suspected terrorist, Randall Weaver, and Randall Weaver's friend, Kevin Harris. In the incident, Marshal William F. Degan was shot and killed, as was Samuel Weaver. This resulted in a ten-day siege involving the FBI's Hostage Rescue Team, in which Randall Weaver's wife, Vicki, was shot and killed by a FBI sniper. Weaver and Harris were wounded prior to Vicki Weaver being killed. Randall Weaver was known to be an antigovernment radical who did not recognize federal authority. He was considered extremely dangerous. Weaver's suspicion of federal authorities, along with the assault on him and his family, led to his refusal to talk with negotiators. Consequently, negotiators used a variety of innovative techniques to try to communicate with him. They sent Weaver messages from his wife's family, not knowing that his wife was dead. They had Weaver's sister try to talk him into surrendering. Finally, they used third-party intermediaries to influence him. Bo Gritz, a retired Army colonel who was well known to the radical right, and Jack McLamb, a retired police officer, were used as intermediaries because Weaver said he was willing to speak with them. It was through these third parties that negotiators learned that Vicki Weaver had been killed and that Randall Weaver and Kevin Harris were wounded. Gritz and McLamb took on the role of protectors and, even under these difficult conditions, negotiations resolved the incident without further injury or death (Lanceley, 1999).

Branch Davidians—Waco: Coordinating Response—1993

In the spring of 1993, agents from the Bureau of Alcohol, Tobacco and Firearms (ATF) initiated a raid on Mt. Carmel, a compound located near Waco, Texas, which housed David

Koresh and his followers. The raid plan called for three teams, one of which had the job of getting between the compound and the men who were normally working away from the main structure at the hour of the raid. A second team was to enter the front door to arrest and restrain everyone in the building, particularly David Koresh. A third team was to go to the side of the compound on which the armory was located, climb ladders to the second floor, enter the armory, and secure it so that members of the Branch Davidians could not use the weapons to resist. Unfortunately, the Davidians were warned and a firefight followed, leaving 4 ATF agents dead and 16 wounded. The FBI assumed command and control of the incident, bringing in their Hostage Rescue Team and negotiators. Using bargaining techniques, they obtained the release of many of the children by giving Koresh time to get his message out to the general public. After 56 days, the FBI-initiated actions ended in the Mt. Carmel compound being burned, with significant loss of life among the Davidians.

This incident and its tragic outcome led FBI negotiators to rethink their approach to siege incidents. It led them away from the linear approach to a parallel approach to hostage intervention, in which both the tactical teams and the negotiators work concurrently as part of a coordinated approach to resolution of the problem. The Waco siege led to the recognition that sieges are best managed through the parallel application of tactical and negotiations. A parallel approach integrates the tactics of the two elements from the start of an incident rather than through the linear model that allows negotiators to try to resolve the incident, but if they are not successful, then to use a tactical approach (Noesner, 1999).

The Freeman Standoff: Pre-Incident Planning, Third-Party Intermediaries, and Coordinated Action—1996

The FBI, concerned about the chaos after the sieges at Ruby Ridge and Waco, initiated several changes in the way they handled large-scale sieges. They included a more integrated approach to planning and responding to incidents through the Critical Incident Response Group based at the FBI Academy, systematic pre-incident assessment, greater use of third-party intermediaries, a more permeable perimeter, and a lower-key presence at the scene. During the 80-day confrontation with the Freeman in the spring of 1996, many of these changes were evident.

The Freeman were a group of antigovernment ranchers who believed that the federal government had no authority over “sovereign” men; that people governed themselves; that America was in a decline; and that their rights to govern themselves came from the Bible, the Magna Carta, and the Bill of Rights. They had financial troubles, had lost their farm subsidy, issued bad checks, placed fraudulent liens on property, received stolen goods, and refused to vacate land they had lost in foreclosure. When federal authorities intervened, local law enforcement had limited resources, and there was growing unrest in the community.

The FBI had the Freeman under surveillance for months prior to planning the arrest of two of their leaders, LeRoy Schweitzer and Daniel Peterson, at a ham radio setup on the Clark Ranch outside Jordan, Montana. The purposes of the pre-incident assessment were: (1) to take a proactive approach to planning; (2) to obtain a holistic assessment that included tactical and negotiation evaluations; (3) to develop intelligence sources prior to the incident to allow sufficient time for profiling, tactical planning, and strategic planning; and (4) to help reduce the impact of the “action imperative” during the actual incident.

After the arrests of Schweitzer and Peterson, communications were attempted with the Freeman who were still at the ranch house. Because the Freeman did not recognize the authority of the FBI, they would not talk with FBI negotiators. Consequently, two types of third-party intermediaries were used to facilitate communication and influence different members of the barricaded Freeman. Family associates were used to influence their loved ones to come out, and public figures who were recognized as having some status with the Freeman were used to influence decisions that affected all Freeman.

The FBI gained the following from the Freeman standoff (Romano, 1998a):

1. Validation of the use of active listening techniques to defuse intense emotions
2. Validation of the use of the passage of time
3. The effectiveness of the parallel planning process involving both negotiators and the tactical team
4. Unreasonable positions lead to eroding support
5. The importance of surrender with dignity

Additionally, they suggested the following guidelines for the use of third-party intermediaries (TPIs) (Romano, 1998b):

1. TPI use should be carefully timed. They are best introduced after the crisis has stabilized and a thoughtful assessment of the incident, the needs of the negotiators, and the value of TPIs can be made.
2. Select TPIs that will benefit your goals. It is essential that a TPI have some specific value in advancing the goals of the negotiators in the incident. During many incidents, a number of people come forward offering to help. If there is no clear reason or goal for using them, it is not a good idea not to put them on the line “just to have something to do.”
3. Script them carefully, so that the interaction is focused on the goals. Do not allow TPIs to vary from the script.
4. Use safe methods of contact.
5. Use them to help guarantee surrender.

Columbine High School: Need for Violence Prevention—1999

On 20 April 1999, Eric Harris and Dylan Klebold attacked students and faculty at Columbine High School in Littleton, Colorado, with four guns and bombs. They killed 12 students and 1 teacher. Subsequently, they committed suicide. The compelling scenes from the tragedy and its aftermath brought to the public’s awareness the importance of intervening in school violence. Because the majority of school violence incidents are over before negotiators become involved, some negotiators have taken a different approach to school violence. They have used their crisis management skills to help school authorities develop prevention programs designed to identify,

assess, and manage “at-risk” youth before a crisis incident occurs. Additionally, they have recognized the importance of pre-incident planning and coordination with school officials so that the most expedient response to an actual incident can be made. The large number of hostages in these incidents and the tendency of subjects involved in these incidents to be heavily armed have led negotiators to approach these incidents with concern and caution (Feldman, 2001).

2000s—Unexpected Issues and Adapting to a New World

Negotiations continue to evolve as new, noteworthy, and media-intensive incidents occur. In the post–September 11 era, crisis situations have taken on added media and public emphasis, with all eyes on responders to see how these incidents will be handled and resolved. Several incidents have affected the focus of negotiations in the criminal justice system since 2000. Both the attack on the World Trade Center in 2001 and the attacks on the Moscow Theater and the Beslan School siege have had implications for the development of negotiations. In addition, another prison incident had valuable lessons for negotiators, and an one-man siege demonstrated some tactical uses for negotiators.

World Trade Center—2001

The new century began with an event that changed the tone of every segment of the United States. The terrorist attack on the World Trade Center on 11 September 2001 brought a new militancy to the United States. The war on terrorism took center stage. Monies were made available for equipping and training tactical response units across the country. Negotiation took a back seat to issues of security and safety. The official policy became “you cannot negotiate with terrorists,” especially suicide bombers. They are intent on dying, so do not bother talking to them. This attitude influenced negotiators as well as tactical teams. For instance, Klein (2006) argued that we cannot negotiate with terrorists because the necessary conditions of negotiations—containment and time—were not all in place in dealing with terrorists. The doctrine began to develop that negotiations is an activity in which CRTs engage in order to gain intelligence and time for the tactical officers to prepare an assault.

Nord-Ost—The Moscow Theater Siege: Costs of a Tactical Response—2002

On 23 October 2002, an armed group of Chechnyan terrorists took 979 theater-goers hostage at the Nord-Ost House of Culture in Moscow. They separated hostages into groups and placed them in strategic positions that allowed them to cover all entrances and exits. They also placed explosive devices around the theater to make a tactical assault difficult. The terrorists wanted Russian forces to withdraw from Chechnya within a week’s time, Russia to stop military artillery and air strikes in Chechnya within 24 hours, and President Vladimir Putin to declare an end to the war. Shortly after the takeover, the terrorists released about 150 hostages, including children, pregnant women, Muslims, some foreigners, and people with health problems.

On the second day, the terrorists killed Olag Rimanova, a 25-year-old shop assistant who lived within the inner perimeter. Olag entered the theater and tried to get hostages released. The hostage takers thought she was a spy sent in by the Russians, a tactic they had previously used (Dolnik & Fitzgerald, 2008). On that same day, the terrorists released 39 hostages. Later that same night, the terrorists killed another person who claimed to have entered the theater to retrieve his son. Two hostages were wounded when one attacked a female. On 25 October, the terrorists released 12 other hostages (eight children and four Azerbaijan citizens).

On 26 October, in fear of more violence against hostages, Russian Spetsnaz (or “special purpose”) and Federal Security Service troops surrounded and stormed the theater. It was believed they also pumped an aerosol anesthetic, fentanyl, into the theater through the air-conditioning system. Although officials claimed the raid was initiated because of panic among the hostages, the assault had been planned shortly after the incident began. At least 33 rebels and 129 hostages died either during the raid or in the following days. It was believed that 126 hostages died as a result of the gas used during the assault.

Dolnik and Fitzgerald (2008) did an in-depth analysis of the Nod-Ost incident and raised numerous issues, some relevant for negotiators. Some of the implications for negotiators include:

1. **Negotiate with the decision-maker**—Negotiations with the terrorists were conducted by Abu Bakar, a Chechnyan living in Moscow. He spoke with numerous hostage takers and hampered the ability to resolve the incident. He was never able to establish rapport with any. The decision-maker of the group needs to be the person with whom negotiations are conducted.
2. **Assess the actors’ planning and discipline**—The fact that there was extensive planning, training, and discipline involved in the theater siege suggests that the terrorists had studied the past confrontations with Russia and were prepared for the usual tactical response. It illustrates one of the reasons for negotiating with such groups. Ury (1981) has suggested that when there is an ongoing relationship, both substance and the relationship (attunement) must be taken into account. The level of trust in an ongoing incident, and the amount of time and energy the negotiator needs to develop trust, will depend on the history of the relationship. Clearly, the history of conflict between Russia and Chechnya was one of little trust.
3. **Distinguish between positions and interests**—Location, timing, and suicidal posture, as well as their willingness to modify their time frame around their original position, indicated that the Chechnyan goals were not just the cessation of the war. Dolnik and Fitzgerald (2008) suggested that their primary goal was cessation but that they had secondary goals of raising awareness in the world about the plight of Chechnya and the brutality of the Russian government.
4. **Develop a nuanced threat assessment**—Several factors suggested that the terrorists at Nord-Ost were a threat: the incident was premeditated and well planned; there were weapons and, based on the history of the organization carrying out the incident and some of the history of some of people involved, credible threats; there was an apparent absence of changes in the subject’s demands; and the subjects were willing to die. Dolnik and Fitzgerald (2008) point out that despite the terrorist unwillingness to give up their primary demand, they did change the specificity of the demand as they went. For instance, they recognized and modified their demands on the basis of the need for more time. Additionally, Dolnik and Fitzgerald (2008)

point out that the willingness to die is not the same as wanting to die; the apparent suicide risk is high only if there are no negotiations.

5. **Pay attention to indicators of de-escalation**—Several indicators of de-escalation of violence were present in the Nord-Ost incident: there was evidence that the Stockholm Syndrome was forming, there was an absence of premeditated murder, violence was defensive, and several deadlines set by terrorists were ignored without harm.
6. **Use effective communications**—Dolnik and Fitzgerald (2008) suggest that the most serious problem with the negotiations was that of communication. Most contacts were indirect, through the media, released hostages, or hostages' cell phones. Indirect communication makes assessment of the negotiations difficult because the ongoing changes and the nuances are lost. For instance, it is difficult to track changes in demands and to conduct an ongoing threat assessment when communication is indirect. A second problem was that several untrained negotiators were used during the incident.
7. **Use time**—Dolnik and Fitzgerald (2008) pointed out that even though the political pressures on the Russian government were great, and their need to protect the safety of their people legitimate, they tended to rush the resolution. He states that it was actually the terrorists who wanted to slow things down by asking for state negotiators who were not at the location.
8. **Deal with the expressive issues in the negotiations**—Dolnik and Fitzgerald (2008) suggest that the Russian authorities did not deal with the expressive nature of the Nord-Ost incident. Rather, they tended to adopt a strategy that offered an exchange of safe passage early in the incident without allowing time for the Chechens to express their grievances.

Many in Russia believed that the handling of the Moscow Theater incident was an effective solution, indicated in part by President Putin's 83 percent approval rating given shortly after the incident. However, Dolnik and Fitzgerald (2008) argued that it was Russia's refusal to negotiate the Nord-Ost Theater incident that led to the Beslan School siege (see subsequently). In a bit of irony, the Munich Olympic terrorist attack led to the formation of negotiation principles in criminal justice, but these were not used in Moscow.

Beslan School Siege: The Need to Return to Negotiations and Bargaining—2004

On 1 September 2004, at 0900, armed terrorists—Riyadus-Salikhin Reconnaissance the Sabotage Battalion of Chechen Martyrs—took 1,200 children and adults hostage at School Number One (SNO) in Beslan, North Ossetia-Alania. The leader of the terrorists, Sheilu ("The Colonel"—Howard, 2006) had his group secure the school using 127 explosive devices and barricades. Hostages were moved into the gymnasium, some wired to explosive devices. They were guarded at all times by shifts of seven guards, including suicide bombers. The terrorists set up a control center in another part of the school where they could monitor media coverage and remotely detonate the explosives.

The terrorists demanded the withdrawal of Russian troops from Chechnya and Chechnian independence. They also named four people they were willing to negotiate with: (1) Aslambek

Aslakhonov (a Chechen), Putin advisor and former president of Dumas; (2) Leonard Roshal, a Moscow pediatrician who was also used briefly as a negotiator at the Moscow theater; (3) Alexander Dzasokhov, current president of North Ossetia; and (4) Murat Myazikov, President of Ingushetia. There is some disagreement among experts as to whether the terrorists wanted to negotiate with people who had power to affect decision-making, stall for time (Dolnik & Fitzgerald, 2008), or just be present so the terrorists could kill them because of previous conflicts (Howard, 2006).

Early during the incident, a group of hostages (adult males) were selected to barricade the building. When they finished, the terrorists executed them. Five or six other male adults were killed when a terrorist bomb detonated. The terrorists became frustrated when Russian authorities reported no demands had been made, when in fact the terrorist had released letters giving their demands. On 1 September, around 1100–1130 hours, a letter was sent out with a hostage emergency room doctor (Case papers of Nur-Pashi Kulayev's criminal trial. File pages 196–198, the vetting protocol. Cited at the trial session 19 January 2006). The letter requested President Dzasokhav of Ingushetia and Dr. Roshal be brought in as negotiators, and that if any terrorist was killed, 50 people would die; if any terrorist was wounded, 20 would die; if 5 terrorists were killed, the building would be blown up; and if lights or communication were disrupted, 10 hostages would be shot.

On 2 September 2004, Ruslan Aushev entered the school and secured the release of 26 nursing mothers and infants (Howard, 2006). On 3 September 2004, Russian troops assaulted the school using tanks, thermobaric rockets, and other heavy weapons. A series of explosions shook the school; the cause of this is still an open controversy. A fire and gun battle between the terrorists and Russian security forces followed the explosion. One group of terrorists engaged the Russians in a gun battle, a second group changed clothes and tried to exit the community, and a third group covered for the second group. Russian troops did pursue those who escaped into the town. Explosions and gunfire were heard in various parts of town as the escaping group was pursued (Howard, 2006). Casualties included—fatalities: 344 hostages, including 186 children, 4 emergency workers, and 11 Special Forces. Wounded: 700 hostages, 19 Special Forces.

Dolnik and Fitzgerald (2008) reported there were several issues that interfered with effective negotiations, including the understanding of the goals of the terrorists, an accurate assessment of the risk, awareness of indicators of de-escalation, missed opportunities to negotiate, and the management of the incident.

The goal of the terrorists again seemed to be multifaceted (Dolnik & Fitzgerald, 2008). Like the Moscow siege, they included the stated goals of ending the war in Chechnya, forcing the Russians to the negotiating table, and the strategic goal of undermining international support for Russia by again forcing them to kill their own citizens in a violent rescue attempt. In addition, they expected to precipitate a conflict between Christians and Muslims in Ossetia.

Understanding the psychology of the individual terrorists was an important issue because it appeared that not all of the assault group agreed on the use of children as bargaining chips. By identifying and developing an understanding of the individual terrorist's history, a better risk assessment and more tailored tactics can be developed.

Risk factors involved in the Beslan siege included:

1. The highly planned and practiced nature of the incident made a swift resolution difficult.
2. The killing of hostages early on raised the risk and supports McGowan's research on NYPD negotiations that showed that violence, as opposed to threat, early in the incident was a significant predictor of further violence.

3. The use of heavy weapons and bombs gave the terrorists immediate access to lethal means of carrying out their threats.

De-escalation—Dolnik and Fitzgerald (2008) report that the signs of de-escalation were fewer in number than in the Moscow siege. They were present and included letting deadlines pass and the release of nursing mothers. However, it appeared that the terrorists had taken a harder line than in Moscow in an effort to force negotiation. Dolnik and Fitzgerald (2008) point out that the Beslan siege took place in a history of conflict in which Russia had taken a hard line. The implication of this for the negotiator is that both sides have to be committed to negotiating in good faith. If negotiations are just a stalling tactic, a settlement with minimal loss of life is not possible. Support for negotiations has to come from the top.

Failure to focus on expressive issues and develop a relationship with terrorists—Dolnik and Fitzgerald (2008) emphasized the importance of dealing with the expressive issues in the negotiation. They point out that Russian negotiators focused on their unwillingness to accede to the substantive demands of the terrorists. Putin's comments about the non-negotiability of leaving Chechnya were a response to the substantive demands made by the terrorists. By focusing on the emotions that led the terrorists to such a brazen act, there may have been some way to reach them on a personal level. The argument that they were going to die anyway is not necessarily valid in light of the fact that they had at least one group who were trying to escape during the assault.

Lack of communications—Again, Dolnik and Fitzgerald (2008) argue that the biggest mistake the Russians made was not even attempting to negotiate. They point out that the political realities could have been managed if low-level, low-profile, behind-the-scenes negotiations had been attempted, and lives might have been saved. In addition, they suggest that dealing with the expressive demands by assuming a listening posture would have limited the perception of a terrorist victory.

Disorganized command—A final problem was the disorganization in the government's response to a well-organized, highly trained group that was willing to die for their cause. There were six command centers for the incident. The operation included special forces, regular army units, local police, and national security personnel, all having their own command centers and chains of commands (Dolnik & Fitzgerald, 2008). There was divisiveness between troops and citizens who armed themselves to protect the school (Dolnik & Fitzgerald, 2008). Coordination, control, and communications were lacking within the operational structure. This underlines the importance of having a preset process and structure for managing multi-agency responses in siege situations. The application of the Incident Command system to deliberate sieges like Beslan is an important lesson for negotiators and commanders.

To summarize the lessons learned from the Moscow siege and the Beslan school siege:

1. Use more empathy to understand the terrorists. The goal is to influence them.
2. Understand the difference between empathy and sympathy—understanding is not agreeing with terrorist's actions.
3. Recognize the terrorists' logic and rational decision—tactics are designed to achieve what they see as legitimate ends, even if they involve methods that are unacceptable to us.
4. Be flexible in implementing accepted negotiating principles.

5. We need to change our expectations.
 - a. Getting everybody out alive may not be achievable. Perhaps it is a more realistic goal in barricaded, deliberate sieges to get as many people out alive as possible.
 - b. Apprehending the terrorist may not always be possible.
6. The request for free passage needs to come from the terrorist.
7. Modify risk assessment. Recognize that many of the usual risk factors are part of the deliberate siege. Chapter 4 deals with this issue.
8. Killing a hostage during an incident may not be the act of a psychopath who will not negotiate. It may not be reason enough to assault.
9. Recognize that a suicidal posture is not an intent to die.
10. May need to increase the use of third-party intermediaries.
11. Recognize that containment may not be possible given the organizational structure of terrorist operation (the leadership is often at another location) and the availability of modern communications (cell phones, the Internet, etc.)
12. Use of active listening skills to deal with the expressive elements of an incident, increase rapport, and ultimately increase influence.

In a footnote to the Beslan School Number One incident, 447 survivors and victims' families sued the Russian government in the European Court of Human Rights (Cour Européenne des Droits de L'Homme) for violations of Articles 2, 13, 41, and 46 of the Protocol Additional to the Geneva Convention of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts, concluded on 8 June 1977, UNTS 3, and Protocols I and III (ratified by the Russian Federation), as well as under other international humanitarian laws for the government's faulty handling of the incident (Case of Tagayeva and others vs. Russia, 2017). In 2017, the court ruled in favor of the plaintiffs, awarding them millions in damages. The court ruled the government had specific intelligence of an attack on an educational institution in the area and did nothing with that intelligence and that the government violated basic human rights by assaulting the school (Chan, 2017).

A False Dichotomy

Dolnik and Fitzgerald's (2008) discussion of the Nord-Ost and Beslan sieges draws our attention to the difference between substantive and expressive demands and the importance of attending to both in all negotiations. Miron and Goldstein's (1979) work drew the distinction between expressive and substantive demands. Expressive demands are those that involve the need to express intense emotion, and substantive demands are those that involve tangibles that can be traded. This distinction seems to be at the heart of the change from the first generation to the second generation of negotiators described by Hatcher et al. (1998). The change in emphasis from dealing with substantive demands to dealing with incidents that were expressive in nature marked the change from bargaining to crisis intervention in police negotiations. Though some have tried

to draw a clear dichotomy between incidents that involve bargaining principles and those that require crisis intervention techniques, the dichotomy seems artificial.

The *bargaining/problem-solving approach to negotiation* assumes that negotiation is an interchange between interdependent people—that is, neither side can accomplish its goal without the other, and interchange has rewards and costs for both sides. The goal is to maximize rewards and minimize costs. The process is one of bargaining that emphasizes quid pro quo—this for that. It is a powerful model for negotiating on instrumental demands (Hammer & Van Zandt, 1997).

Hammer and Van Zandt (1997) point out that there are limits to a pure bargaining approach to negotiations in policing. First, crisis negotiations are not like business negotiations, in which the two sides bargain in good faith and have rational, well-thought-out positions, goals, and needs. Second, crisis situations involve high levels of stress that may interfere with rational decision-making. Third, a majority of incidents involve emotionally disturbed subjects; therefore, there are limits to the rationality of at least one side of the bargaining process. Finally, saving face is frequently an issue in most police crisis incidents.

Call (1999) has made a similar point. He suggests that a characteristic of hostage negotiation is its “brinkmanship” nature. By this he means that the subject deliberately creates a situation of risk, designed to make it so intolerable for the opposition that they will give in to the subject’s demands. The inflexible nature of most hostage takers’ demands is an example. He points out that the subject tries to force the authorities into a situation in which crisis bargaining principles apply. Crisis bargaining is characterized by:

1. The use of force—both the police and the subject have force available during an incident.
2. Bargaining for high stakes—lives are threatened, and failure may result in injury or death.
3. Focusing on one alternative—demands of the subject are often presented as the only options.
4. A high degree of emotional content—anger and fear are integral parts of hostage incidents.
5. A preponderance of “saving face” issues—saving face becomes a major issue when coercion, force, and threats are used in negotiations.
6. The feeling of urgency—because the stakes are high, there is a sense of pressure and stress to incidents that are negotiated at the brink.
7. A lack of complete information—early in an incident, neither the police nor the subject have complete information about the others’ capabilities, resources, goals, or methods. Intelligence develops over the course of the incident.
8. The failure to work out a detailed implementation plan.

The recognition that both expressive and substantive needs are involved in every incident suggests that it is helpful for negotiators to think of an incident as involving issues of degree and not of kind. That is, *both crisis intervention skills and bargaining skills are needed in every incident*, because each incident has expressive and substantive issues in it to a greater or lesser degree, and it is the negotiator’s job to recognize when what skill is appropriate.

Lewis State Prison (Arizona Department of Corrections): Refining Issues in Corrections—2004

At approximately 0300, 18 January 2004, at the Lewis State Prison (south of Phoenix, Arizona), inmates Ricky Wassenaar and Steven Coy reported for kitchen duty in their housing unit (Morey Unit). They attacked the officer and a female kitchen worker, taking his uniform and locking them both in a kitchen office. Other inmates, who refused to participate in the escape attempt, were also locked in the office. While Wassenaar changed clothes and shaved his beard, Coy sexually assaulted the female kitchen worker. A second officer who entered was taken by surprise and locked in the office. At about 0455, two other correctional officers and one inmate reported to the dining hall and were confronted by Coy, who cut one officer with a homemade weapon while the other went for assistance. As Coy left the dining hall for Morey Tower, he was confronted by other officers and staff. He was pepper-sprayed to little effect. Meanwhile, Wassenaar entered Morey Tower, overpowered and restrained the two officers inside, obtained an AR-15 assault rifle and went outside to assist Coy. He fired multiple rounds at the staff (missing) and secured Coy's release. Both inmates ran inside Morey Tower. At 0530, the communications center at the prison was advised a hostage incident had begun.

Ricky Wassenaar, who had been an inmate since 1997, was serving 28 years for armed robbery and eight counts of aggravated assault. During the robbery, he had worn a bulletproof vest. According to his psychological profile, he was a sociopath. Coy was serving a life sentence for armed robbery and sexual assault. Both were in the protective segregation unit, Wassenaar because of a threat on his life, and Coy because of his having been assaulted by other inmates and almost killed. Later debriefings with Wassenaar revealed he had been planning the escape for over three years and modified the plan as prison security procedures changed.

In Morey Tower, on the first day, both inmates sexually assaulted the female correctional officer. Both officers were handcuffed. Structurally, Morey Tower was three stories. Level one had the restroom and was reached via a circular stairway. Level Two contained the control panel and had two-inch-thick Lexan safety windows all around that were tilted at 27 degrees. Level Three, the observation deck, could only be accessed via a ladder through a roof hatch. The tower was constructed of eight-inch reinforced concrete and was constructed to be unbreachable.

As a general rule, given the history, actions, violence, and sexual assault committed by the inmates, this would be a tactical team problem, not a negotiated problem. In this case, however, there was no way to tactically resolve the situation without costing the life of the two officers held hostage. Authorities were forced to negotiate.

During the 15 days that the incident lasted, more than 30 negotiators were utilized, consisting of negotiators from the Arizona Department of Corrections (ADC); the Arizona Department of Public Safety; FBI field negotiators from their offices in Phoenix, Birmingham, and San Diego; the Crisis Negotiation Unit of the FBI from Quantico; the Glendale Police Department; the Maricopa County Sheriff's Office; the Phoenix Police Department; and the Tempe Police Department. In addition to the normal team functions of primary and secondary negotiators, scribe, intelligence gatherers, and team leader, the negotiators also employed a team coordinator to work with the prison command center, a profiler, a tactical liaison officer, and various advisors.

From the outset, Wassenaar was the leader of the inmate hostage takers. He was the "talker," decision-maker, and instigator of demand issues and other issues negotiators would have to deal with. Coy was the "doer" of the pair, the one who took orders and followed Wassenaar's lead.

Their relationship was predictable and easily understandable from the perspective of having two psychopaths together (Hare, 1993). Negotiators relied on these specific behavioral and personality characteristics to negotiate with them.

Day One—Wassenaar presented a list of demands: (1) speak with the governor, (2) speak with the warden, (3) speak with the media, (4) speak to his sister, (5) a helicopter, (6) a radio, and (7) a handcuff key (the Arizona Department of Corrections listed handcuff keys as non-negotiable).

Day Two—Wassenaar requested a different negotiator (which was refused) and offered to give up a “shank” for blankets, towels, and washcloths. When negotiators tried to make substantive trades, the inmates threatened to cut off one of the hostage’s fingers.

Days Three and Four—Little progress was made. The ADC offered to drop Wassenaar’s protective custody status.

Day Five—An interstate compact was presented, with letters guaranteeing the compact. An interstate compact is an agreement to transfer the inmates to another state.

Days Six and Seven—Wassenaar offered to release the male correctional officer and did so on Day Seven.

Days Eight–Ten—A TPI (in this case, Wassenaar’s sister) was introduced and made a tape-recorded message. Negotiators delivered several small items as a rapport-building technique. The only demands from the inmates were small items of food and personal comfort. As one negotiator put it, the inmates asked for items as though they were walking down the aisle of the prison commissary (Dubina & Ragsdale, 2005).

Day Twelve—Wassenaar’s sister and Coy’s uncle were introduced as live TPIs. The Director of ADC was presented as a guarantor of the interstate compact agreement.

Day Thirteen—There was a split among the hostage takers, with Wassenaar telling the negotiators they needed to kill Coy.

Day Fourteen—No progress.

Day Fifteen (15 February 2004)—Both inmates surrendered to federal custody, and the female hostage was safely released.

Coy was transferred to a prison in Maine and received seven life sentences for his role in the Lewis Prison incident. Wassenaar was taken into federal custody, and in May 2005, acting as his own defense attorney, was found guilty on 12 of 20 charges and sentenced to 16 life sentences plus 25.75 years. He was later transferred to Michigan.

There were several lessons to be learned from the Lewis Prison incident (Dubina, 2005; Dubina & Ragsdale, 2005).

1. **The chain of command had to be educated.** Other than the prison warden, incident commanders and decision-makers had no corrections or law enforcement experience. The ADC director was a political appointee and was awaiting senate confirmation. Her boss,

and ultimate authority, was the governor of Arizona. This is not imply that either made bad decisions but only to say that both had to be “educated” about issues specific to the critical incident process and negotiations.

2. **Law enforcement negotiating in a prison needs correctional advisors.** Prisons are an alien environment to law enforcement and present some unique challenges to negotiators. To avoid mistakes, correctional advisors are a must.
3. **The Negotiation Operation Center (NOC) must be selected with care.** At Lewis, the NOC was selected by law enforcement negotiators using the subjective criteria they would likely use in a law enforcement situation. It soon became apparent that the NOC was much too small for a protracted incident, but by then, it could not be moved.
4. **Establish working relationships with other negotiators in the geographical area.** At Lewis, more than 10 agencies were involved and over 30 primary negotiators utilized. Many team members were strangers and had to learn during the incident to work together.
5. **Work schedules have to be established and adhered to.** In a large-scale incident like Lewis, the use of the ICS approach would guarantee that scheduling and personnel requirements were met.
6. **Be flexible and able and willing to modify the negotiation team structure.** Early on, a team coordinator position was added to facilitate communication with the command structure.
7. **Use the power of the team.** Each contact should be carefully planned and goals set. Brainstorming sessions are invaluable for communication planning as well as problem-solving, handling demand issues, and team building.
8. **Negotiations do not occur in a vacuum.** The prison facility still has to operate. Inmates have to be fed, maintained, and cared for, even during a lock-down. Staff still have normal duties to perform, and the facility has to be maintained. Negotiators have to adapt to this working environment.

The One-Man Siege—Alabama Hostage Event—2013

On 29 January 2013, 65-year-old Jimmy Lee Dykes boarded a school bus near Midland City, Alabama, and tried to abduct two boys (six and eight years of age). The bus driver, Charles Poland, attempted to stop Dykes, whereupon Dykes shot and killed Poland. His plan interrupted, Dykes grabbed a five-year-old child named Ethan and whisked him away to an underground bunker Dykes had previously prepared for this incident. Thus began a standoff with a single hostage taker with a single hostage that would last for seven days (until 4 February 2013; Gray & Carbone, 2013).

Dykes’s bunker was small, only 6 × 8 feet, but well supplied with food, water, supplies, power, and a small television. State and federal negotiators were forced to initially negotiate with Dykes through a small PVC pipe connecting the bunker to the surface but soon convinced him to take their throw-phone. During the seven-day siege, the only concession Dykes made to negotiators was to allow the delivery of medicine to Ethan (who has Asperger’s syndrome), along with coloring books and small toys.