

Negotiating with the Unknown

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Editors' Note: What happens when all of the classic negotiation advice about preparation goes out the window? Negotiations "on the street" teach us how extensive preparation for the process itself—for teamwork, roles, communication patterns, and trust—is crucial for success when everything you might ordinarily want to know to prepare for a specific case is impossible to find out in time.

In order to understand the ordinary or near-ordinary, sometimes it pays to study the extreme. This chapter will use the extremely high-tension experiences of hostage negotiators to discuss a few facets of negotiation that are rarely taught to others, but that increasingly seem relevant far beyond their original setting.¹

Imagine having to negotiate with an unknown entity where, more often than not, the parties have no way of anticipating who they will interact with, or what questions or issues to expect. The parties meet for the first time at a tense scene, with each side typically separated from the other by a closed door. Interested parties tend to be numerous and insistent. Some of these interested parties may be closely associated with the hostages or the hostage taker, such as family, friends, colleagues, neighbors. Some are closely associated with the hostage negotiators, including supervisors and other law enforcement experts. Many others may be strangers to both parties, such as observers, media representatives and politicians. This potentially vast gathering of "significant others" creates what a former commander of the New York Police Department's hostage negotiation team refers to as "negotiations within the negotiation." Moreover, it is not unusual for weapons to be omnipresent on both sides.

Variations on these circumstances describe the "normal" context of the work of police hostage negotiators. They conduct their negotiations wherever and whenever there are highly stressful situations involving individuals being held against their will and where the ongoing communications with the hostage takers are high-stakes, involving potential loss of life. In these encounters, hostage negotiators have one distinct advantage over hostage takers: experience in dealing with such individuals in different situations. Hostage takers have typically never taken hostages before. Hostage negotiators, however, have collectively acquired a wide range of coping skills. These skills, we now believe, are needed in many other set-

tings—settings that do not provide comparable training opportunities. In this chapter, we will discuss several of the most salient.

The reality of police hostage negotiations clashes with conventional wisdom about good negotiation strategy, which emphasizes the need to be prepared. Such preparation normally includes learning as much as one can, not only about one's own position, interests and needs, but as much as one can about the other side, before any meeting takes place. But when a call comes in that triggers a hostage negotiation, this kind of preparation is impossible. On the surface, this inability to prepare for a specific negotiation is unique to hostage situations. But closer examination calls this into question. [Taylor & Donohue, *Hostage Negotiation*] In many ways, hostage negotiation work mirrors the work of a variety of other professions which experience "dealing with the unknown" during the course of their workday. Obvious examples include emergency room doctors, train conductors, and television reporters (each role, of course, has existing training in dealing with forms of "the unknown" *other* than the ones discussed here), but many others find themselves in situations where at least some aspects are unknown enough to fit our premise. The core of our argument here is that it is possible to approach even the unknown as an informed negotiator, albeit in a different sense from the normal usage of that term.

Background: The Emergence of Hostage Negotiations

The deliberate use of police hostage negotiators began in 1973 with the formation of a hostage negotiation team by the New York City Police Department. Created in response to concerns which grew out of the Munich Olympics of 1972, the Attica Prison Riots, the "Dog Day" Brooklyn Bank Robbery and the Williamsburg Sporting Goods Store Robbery, the NYPD Hostage Negotiation Team (HNT), which now has 100 officers, is trained to respond to a variety of situations. As the nation's oldest and largest hostage negotiation team in one of the most diverse and vibrant urban areas in the world, the practice of negotiating with hostage takers has evolved significantly. Central to the NYPD Hostage Negotiation Team's ethos is its motto, "Talk to Me," which is actually more than a motto—it is a working heuristic, guiding the work of the officers. That catchphrase serves as a constant reminder of the need for officers to be good listeners, patient communicators, and articulate team members. Since hostage situations may go on for many hours, both listening to what the hostage takers are really saying and keeping them engaged in dialogue are extremely important.

But it is also important to recognize that when NYPD hostage team officers respond to hostage situations, they are part of a large, complex operation. They are always backed up by the Emergency Service Unit (ESU) officers, commonly known as the tactical team and equipped with shields, shotguns and other weaponry, as well as the Technical Assistance Response Unit (TARU) officers, who provide investigative technical equipment and tactical support. Each of these units has specialized training, and together they function to achieve two common goals: getting the hostages out safely, and getting the hostage taker to "come out"—if possible, safely and voluntarily. Every hostage taker comes out in the end, one way or another, and all of the discussion which follows regarding the need to recognize the hostage takers' humanity is in the context of that fact.

The Elusive Qualifications

Preparation of officers for the hostage negotiation team begins long before an officer is selected. In New York City, hostage negotiators must be sworn police officers who have achieved the rank of Detective with at least 12 years' experience in the Department. Virtually all hostage negotiators are nearly 35 years old when first chosen for the team. This rigorous experience requirement answers the need for officers who will be knowledgeable about police procedures, have achieved stature within the Department as detectives, and are also, simply, old enough to have personally encountered some of life's knocks—love, hurt, disappointment, success, rejection, and most important, failure. Thus when a hostage taker complains about one or another vicissitude of his life, the negotiator can say with credibility "You know what, I know about that too, and we can talk about it." Training in the martial arts is also viewed as an asset, because of its stress on compassion, benevolence, courtesy, sincerity and loyalty—qualities that may seem counterintuitive to those who have no familiarity with martial arts. The real-world criteria for consideration for this team may also be a hint as to the requirements for a successful negotiator in other "no direct preparation possible" environments.

Furthermore, to make meaningful selections from among the 40,000 officers of the NYPD, the hostage negotiation team has developed informal networks of trusted people, often current or former members of the team themselves, who are asked to keep their eyes open for new talent. The team regards with some amusement other organizations' tendency to rely heavily on brief interviews with potential new colleagues, joking that each such candidate tends to show up wearing a "chameleon suit." The better recommendation comes when a known-reliable coworker says "This is just the way this person is. S/he talks to everybody that way; s/he is not putting on an act."

The officers' life experiences and substantive knowledge of police work are supplemented with an intensive two-week training program. Since the hostage team members all have other day-to-day assignments outside the team, and are distributed across many precincts of the sprawling city (in order to ensure that there are always trained negotiators available 24/7 within a reasonable distance of wherever an emergency may take place), they do not necessarily know each other. New HNT officers come together for the first time during the special hostage negotiation training. This training program provides the officers with highly specialized substantive knowledge and process skills, some of which would be familiar to readers of this book from many other fields. The first week consists of selected negotiation theory and practice; the second week consists of Emergency Psychological Training (EPT),² [Jeglic & Jeglic, *Disordered People*] where officers are introduced to psychological, mental illness, and drug-related conditions that they will experience during the course of the "jobs." (In HNT usage, a "job" is an individual hostage negotiation case). Proper selection and training of negotiators are vital to future success of the team.

Establishing Respect and Trust

When you cannot prepare for a specific negotiation, the next best thing is to figure out what substitutes may be available. To establish communication with an unknown entity, what needs to be done? The HNT officers need to communicate that they are not going to operate solely from a position of authority and power, with a gun and a badge. Simultaneously they need immediately to demonstrate respect for the person they are talking to, as the beginning of establishing trust. [Lewicki,

Trust] It is important to emphasize that some of the people they are encountering may never have been treated with respect before, by almost anyone they have known. (Hostage takers, naturally, are not a random sample of the population; some have been in trouble at some other point in their lives). There is a duality to this process, however, which must be acknowledged. On one level, the hostage negotiator must “respect people whom no one else may care to respect.” On another level, both the respect and the development of trust are limited in scope and serve the overall goal of getting everyone out alive, which must be kept in sight at all times. Treating the other party with respect, however, becomes a very powerful tool toward that goal.

Respect is demonstrated in several ways: greetings, taking the time to make small talk (i.e. schmoozing), articulating ground rules, and clarifying assumptions. Collectively, these techniques “warm up” hostage takers, make them feel more comfortable with continued discussion, and build trust. The specific functions of these techniques are discussed below.

Greetings

At the outset, the officer who is the designated negotiator (i.e. the speaking role in a team that almost always has more than one qualified negotiator) has to figure out how to address the hostage taker. For example, the officer may ask “Mr. Carson, can I call you Mr. Carson?” If the hostage taker responds “no, I want you to call me Superman” (and this has actually occurred), an acknowledgment that the individual has a right to name himself can defuse the tension created by a grandiose claim. Later on, the hostage taker may say “don’t call me Superman, my name is Jack”—to which the trained hostage negotiator responds “can I call you Jack?”

Politeness, here, is more than “just politeness.” It gives the hostage taker a dignity that he may never have experienced before, or not in a long time—particularly from the police. The politeness takes them back a little bit and the emotional level comes down when that exchange is just the whole dialogue. It is not about getting to the gun or getting the person out, but it is really almost like getting to first base. If the HNT cannot get to first base, it can never get home.

Schmoozing

A subtle and subjective indicator of suitability for the hostage team is an ability to schmooze. In the particular sense in which this term is used within the hostage negotiation team, this is neither a waste of time, nor a phony gambit just to get close to someone or to buy time for setting up some other kind of action. It is, instead, a recognition that the other person, regardless of what they have done, is a human being, and needs some human interaction. (Of course, it also *does* serve to buy time.)

Ground Rules

The hostage negotiator begins the negotiation itself by establishing boundaries for the ensuing exchanges. Hostage negotiators are trained to explain what they are going to do, and explain again when they are doing it. It is a slow process, but a key part of preparing the other party to deal with the officers constructively. If this is skipped, in the interest of “saving time,” the hostage taker is likely to get a wrong impression about what the officers intend—starting a slippery slope toward a true disaster.

Clarifying Assumptions

It is easy for hostage negotiators to think that everybody else understands what they are doing. But experience shows that assumptions are dangerous, and can backfire on the hostage negotiators in almost unimaginable ways, leaving the hostage negotiator standing with his/her jaw dropping asking “but didn’t you understand what I was trying to do?” The challenge in negotiating with the unknown is to avoid assuming that what you are doing is understood, taking the time to explain your actions even in the midst of a tremendous amount of activity and potential danger. As a result, hostage negotiators always talk about the “drill.” This means that the hostage negotiators explain to all of the people involved what the hostage team’s role is and what will be done. Part of the drill is to get the on-site negotiation team together in a football-like huddle, so that when others inevitably try to rush them in the negotiation process, the negotiators are ready to respond—by saying, for instance, “here’s what we’re going to do: we’re not going to talk about the gun, we’re not going to talk about the fact that the kids got slapped around. Here’s what we’re going to do: we’re going to—.” The hostage taker is thus given a theme. The theme is like a working paper; it is not etched in stone, and it certainly can change. But it has a continuing function; it helps the hostage taker understand that no sudden action, such as a surprise attack, is contemplated, and that also demonstrates to others that the negotiation team has a plan and has the situation under control.

Assumptions are routine and heuristics are not entirely avoidable by anyone who must act in the real world. [Korobkin & Guthrie, *Heuristics*] One purpose of the 12 year minimum of prior experience is to try to ensure that an officer has encountered enough situations in other settings where his or her assumptions turned out to be wrong that the lesson will not have to be learned under life-threatening circumstances.

McGowan has an example from his early career. He was riding with an older officer when they received a stolen-car call, and were dispatched to make out the complaint report. The more experienced officer went up to the person who had called about the car, and was waiting on his porch. The senior officer began by introducing himself, taking his hat off, and starting a general conversation about what kind of car it was. When the man told both officers “It was a ‘57 Chevy with nice trim on it” the senior officer did not immediately pull out a report pad, but instead recognized that that model was particularly valued by many people, and asked “did it have—(some option or other)?” The owner replied yes, it did have that feature, “it even has an AM/FM radio” (not common on that model.) The two strolled off the porch, out to the front of the house, where there was an empty spot—where the car was supposed to be. They stood in that spot, and simply chatted for a while about the car. After a bit, the senior officer asked the owner “Now, do you have your registration with you?” The man had it—in a piece of plastic, so it didn’t get dirty. The officer said “Why don’t you give it to this young fellow here and he can start the paperwork?” The man took it out, and gave it to McGowan—who was treated, to his befuddlement, as if he were an assistant. The senior officer and the car owner continued to talk while McGowan recorded all the information.

When McGowan and the senior officer got back in the police car and headed toward the station house, the senior officer realized that McGowan did not understand what he had been doing. The senior officer noted that this car owner had devoted a lot of his time and effort to his car, which was probably one of the most valuable possessions he had. It was obvious that he really took pride in it. The senior officer pointed out that if a police officer had come along and said “Just give

me your registration," the rudeness of that interaction would have stayed in the owner's mind as an example of disrespect by the police. What the owner needed from them, the senior officer felt, was a little bit of compassion. The car was still stolen, and given the statistics, the officers probably would not be able to get it back; but at least after the officers left, the taste in the owner's mouth would be a good one as to the attitude of the police toward his loss. McGowan reflects now that working with this partner taught him that a lot of decent police work had to do with the way people are treated—and the story is now used as a reminder to new negotiators about how one makes an entry into a situation. In the negotiation process, the showing of respect comes first; only then can you get to the heart of the matter.

Stories as Context

The use of such stories to teach "negotiating with the unknown" is deliberate. These are not merely stories about how the officers "won out over the other guy;" they are presented to demonstrate how the officers are able to break down resistance by dealing with the emotions in a way that works. The emotions being experienced by the hostage taker may even be the same emotions experienced by the hostage negotiator—a little fear, a little anxiety, a little concern over saying and doing the right thing can be expected on both sides.

One of the key functions of the stories is to help officers get past their official status, because their working experience up to that point has been that official status often functions to ensure compliance. By authorizing officers to give a little bit of themselves, a little bit of their authority to the hostage taker, such as giving the hostage taker the authority to say "No, I want you to call me by my full first name and full last name" or "You got to call me Superman," officers are giving the hostage taker not only respect, but in a small way, power, which may never have been given to them before. This, the team has found, always seems to work to the hostage negotiator's advantage in the end. Since it is counterintuitive to do this, and since officers cannot be taught how to handle every specific situation, the storytelling, which draws on real experiences, validates the use of techniques which often depart radically from standard police training.

The Team's Structure on Site

The use of a team is central to hostage negotiation work. It is designed to help the negotiators concentrate on the process. The "speaking" hostage negotiator is not out there alone; there is a structure. This consists of a primary negotiator; at least one backup coach; a "scribe;" and a coordinator. The role of the coordinator (usually the senior hostage negotiator present) is to bring corporate memory to the situation, provide insights to external police commanders and to the tactical team, and to run interference on behalf of the other negotiators. In this last, critically important function, the coordinator buffers the negotiators from the Chiefs—the term is used here as shorthand for all levels of supervision, described in more detail below—so that the other officers can do their job. Hostage negotiation is far from the only circumstance in which the person responsible for a negotiation must somehow report to difficult supervisors, who may try to micromanage a job and too often do not appreciate the intricacies, the need for patience and the time inevitably involved in making talk work. But in a police department, the hierarchy is overt and often insistent. There could easily be a district commander in the offing, saying "I don't have any time for this, this guy is blocking traffic," or resenting the

fact that the case happened on their watch, because there is a meeting to go to, or theater tickets to be considered. Hostage takers, however, cannot be told to come back tomorrow. The role of the coordinator is therefore to handle all of the *external* negotiations that threaten to disrupt the all-important negotiation “at the door.” When McGowan was promoted to chief negotiator, he was informed that that did not mean that he got to negotiate any time he wanted. It meant he got to negotiate with the Chief—a significantly less desirable and more challenging honor.

But the other roles played by hostage negotiators such as scribe, coach, etc., are also near-essential in a complex and often fast-moving environment (though it must be admitted that sometimes, despite the desirability of clear role differentiation, shortages of trained personnel on-site mean that someone has to “wear more than one hat”). The team structure is more than just an administrative arrangement; its purpose is to ensure that the negotiator who is doing the talking is not overwhelmed by all of the other tasks that have to be done. This helps both their ability to focus and their ability to keep from rushing into any given phase of the negotiation, unless there is an immediate “Man is holding child out the window” exigency.

Training of Other Officers

It is important to emphasize that “ordinary” police training does not yet contain much of the material developed for hostage negotiators, despite the probability that it would be valuable for every police officer to learn much of it as early as possible in a career. Patrol officers are the first responders to all types of calls made to the police; basic communication and perception skills are central to hostage negotiation work, but perception and communication are also at the heart of any police officer’s role. But getting sufficient training time built in continues to be a significant challenge, in police departments as for other organizations where comparable skills are arguably required in order to do the actual job properly. Competing demands for “floor time” in training are a fact of life in large organizations of all kinds.

Still, particularly in terms of police departments’ need for constant communication with and the general trust of the public, it is clearly important to reduce the number of rookie mistakes. An example, a telling one precisely because it is far too minor ever to be the subject of corrective discipline, is the thrown-away opportunity when a police officer (usually, one who has little experience, for reasons discussed below) is asked, by a citizen whose stroll has been interrupted by a police barrier, “What’s going on?” Often, such an officer will not realize that the citizen is not merely curious, but is concerned about whether there is a problem in his/her neighborhood, whether his/her family is all right, and so on—but has not formulated the question in such a way that this is obvious. An officer who responds with just “Move along!” is throwing away some degree of future potential cooperation of that citizen. An officer who responds with a human level of detail, though, such as “We have a man who is acting a little strange down the block, and has a gun, and we just want to make sure that everything is OK”—which is certainly less detail than the same officer would supply if it was the Mayor’s motorcade that was interrupted—is improving the likelihood of some other officer, someday, getting critically important information from that citizen or someone in his/her family.

We believe the operational value of training people in basic human understanding, not just in police departments but in many jobs in society, is under-recognized. But to stick with police departments for now, officers are currently

given relatively thorough training in key elements of law. Not yet fully integrated into basic training in police departments, however, are ways to get across the explicit message: "Your career will have more to do with communication than it will have to do with the law. Your career will have more to do with talking to people than with shooting people. Your career is going to have more to do with how you present yourself, so that you are seen by everybody you deal with as recognizing that you represent the entire Department, and that you know they will be dealing with the Department again." We believe the consequences are both serious, and potentially something of which a police department can become convinced: it is part of the folklore of police work that officers who have relatively little time on the job are more vulnerable to civilian complaints. What that means, in a nutshell, is that a key function of training has been deferred, from an organized short training period in a "no harm, no foul" Police Academy environment into what might be years of errant practice, till wisdom catches up with the rookie. How many other kinds of organizations fall prey to this temptation to false economy on basic training is unknown; but we believe the number could be large.

The Limitations of Training

Yet in some ways, we must accept that training is unlikely to carry the emotional-learning effectiveness of actual work experience. Cambria relates a formative moment in his own career, which would be difficult to replicate in formal training. As a young police officer, one day he was coming back from court on the subway. As he got off the train in Brooklyn, the station clerk called over: "Officer, there's a guy who just went under the turnstile, a homeless guy, just went down toward that end of the platform." Cambria did not know what to do with such a minor problem, i.e. whether to issue a summons or not. On balance, he decided the best way to handle it without undue expenditure of time would be simply to tell the homeless man to get out on the street, because obviously people cannot use the subway without paying. Cambria walked all the way down to the end of a long platform, where he saw the homeless man, disheveled, about 50 years old—although he looked older—and with a satchel under his arm. Cambria told him "You didn't pay the fare. You have to leave the subway." Having issued a firm statement, Cambria anticipated some degree of argument, but the man merely said "Okay Officer, I understand." Cambria and the homeless man began walking together back down to the exit, at the other end of the platform. As they were walking, Cambria asked "What do you have in the bag?"

The homeless man replied "Oh, in my bag, Officer, is a screenplay, it's a play I wrote." Cambria was taken aback. Curious, he asked what the play was about. The homeless man replied that the play was titled *Crabs in a Basket*. "If you've ever seen a basketful of crabs, they're all trying to get out. When one finally gets almost to the top of that basket to get out, another crab grabs it and brings it back down, grabs it back down. It's kind of like my life ... it's autobiographical, it's about my life ... every time I get to the top of that basket, some force comes along and grabs me back down."

Cambria describes himself as "blown away." As they approached the exit, he looked again at the homeless man and said "This ride's on me. Have a good day." Cambria told the man he hoped to see the play performed some day. At the cost of irritating the station clerk, Cambria felt he owed the homeless man something, for teaching him an important lesson: he had approached the homeless man with a preconceived notion, and had learned that just because the man was homeless didn't mean he was ignorant, or dangerous. This homeless man was down on his

luck, yet he was a human being, with a sense of himself and of his circumstances, and an ability to explain them with eloquence—if given the opportunity. The sense of every individual as a person of worth, deserving of individual and not rule-bound responses, is not easy for a new police officer—or lawyer, or doctor, or other new professional with sudden “status”—to learn. What price do we pay, in our unexpected negotiations, for our failure to incorporate such learning into the training of every such new professional?

The Broader Implications: Other Occupations

We believe there are a variety of other occupations where the skills of a hostage negotiator could be useful to “best practice”—or arguably, essential to avoid malpractice. Emergency room staff [Morash, *Nonevents*], hospital administrators, utility workers, transit workers, airport employees [Dingwall & Menkel-Meadow, *Last Plane Out*], urban teachers, even the military [Lira, *Military*]: the list goes on and on. Hostage negotiators have frequently encountered social situations in which someone in one of these jobs will ask what they do for a living. When they answer “hostage negotiation,” the inquirer replies “Oh, I couldn’t do what you do.” But in fact, people in these kinds of jobs are involved in unexpected negotiations on a daily basis. These jobs are simply unrecognized as involving significant levels of “negotiations with the unknown” except by the most perceptive of their current incumbents. But at least one of the critical elements of hostage negotiation training—the officers’ need to treat a person who has probably committed a grave offense as a human being—should be, if anything, easier to apply in settings where a violation of criminal law is probably not the presenting issue. Teaching those who must deal with stressed members of the public that treating the person as a human being is the first need, if not the foremost in the end, should not be impossible. Teaching such professionals to be prepared, at a moment’s notice, to explain honestly and respectfully what they are doing should not be all that difficult in a country that has been able to build the world’s leading higher education system.

Seen this way, the training of police hostage negotiators is no longer so specialized or so mysterious that others cannot expect to make use of it. Instead, it is surprisingly close to the core of the new conception of a larger context of negotiation and conflict management, i.e. the broader notion of negotiation partly as a force for social good and partly as the essential lubricant in the increasingly complex machinery of a postmodern society (discussed in the Introduction to this volume). This societal change demands matching changes in ways of relating to other people, as part of basic training in a whole range of professions. The training of hostage negotiators, and their success in practice, shows that it can be done.

Endnotes

¹ For a primer on the life and times of the NYPD’s Hostage Negotiation Team, see Jack Cambria, et al., *Negotiation Under Extreme Pressure: The “Mouth Marines” and the Hostage Takers*, 18 NEGOTIATION JOURNAL 331 (2002).

² The EPT component grew out of the 1984 Eleanor Bumpers case, in which an elderly African-American grandmother was killed by police, when she lunged at them with a knife while they were attempting to follow through on an order to evict her from her Bronx apartment. Although the officer who fired the shotgun was acquitted of criminal wrongdoing, the case led to significant soul-searching as to the level of police understanding of mental illness, and the resulting EPT training was made available to ESU officers, and subsequently, to HNT officers.