Negotiating in Crisis Situations

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Negotiation is a fundamental aspect of human society and its pervasiveness makes learning effective negotiation methods an extremely valuable, if not essential, skill. The term “negotiation” brings many images to mind, such as bargaining in a market, business deals, and agreements or treaties between countries. These images contain many different strategies that people can take in negotiation. One value-creating, joint problem-solving approach to negotiation is a system known as “principled negotiation”. This system of negotiation was pioneered by Roger Fisher, William Ury and Bruce Patton of the Harvard Negotiation Project, and outlined in their book *Getting to Yes*. A principled negotiation strategy allows two rationally behaving and relatively unemotional parties who are engaging each other to accomplish ends which they could not achieve unilaterally. Principled negotiations depend upon establishing a constructive relationship, establishing two way communication, identifying the others’ interests, setting standards of legitimacy, creating options, and finally making an offer that creates as much value for both parties as possible – leaving room for further dealings in the future. It relies on concepts and strategies based on creativity and the creation of options in order to meet both parties’ interests. Its success depends on setting standards of legitimacy that are seen as fair and unbiased by both parties. The goal in principled negotiations is for both parties to maximize value and reach an agreement which is better than their BATNA (Best Alternative to a Negotiated Agreement). Such methods have proven to be very successful, and understanding them is an essential aspect of negotiating effectively. Situations may arise, however, in which
the standard procedure for principled negotiations is insufficient. One such instance is during a crisis. During a crisis, the negotiators must alter their strategies to focus primarily on the elements of relationship and communication.

Crisis is defined in the Merriam-Webster dictionary as “an unstable or crucial time…in which a decisive change is impending; especially one with the distinct possibility of a highly undesirable outcome.” In order to handle the unique situations such as barricades, hostage-takings, and high-risk suicides that often arise in law enforcement scenarios, many agencies have created Crisis Negotiation teams who undergo situation-specific training in communication and negotiation techniques. At the forefront of these organizations are the Federal Bureau of Investigation’s (FBI) Crisis Negotiation Unit and Los Angeles’ Police Department’s (LAPD) Crisis Negotiation Team. The negotiators’ focus during a crisis is to establish rapport with the party in crisis and de-escalate their highly emotional state, rather than merely trying to work towards a solution or set standards of legitimacy. The FBI and LAPD focus on training their negotiators in active listening skills, effective communication techniques, and crisis-specific negotiation strategies. Though platoon leaders and junior officers are unlikely to encounter a hostage or barricade situation in theater, many routine missions involving local citizens could easily escalate to a crisis. Additionally, with suicide rates among service-members steadily increasing, leaders could also face crisis within their own unit. In either instance, many of the same techniques taught by the LAPD and FBI can be applied in a military setting to improve officers’ effectiveness as negotiators, whether in negotiations with aggravated civilians or with in-crisis soldiers. Those techniques include an increased emphasis on cultural and linguistic knowledge among service-members, the addition of a “secondary negotiator” to assist platoon
leaders, implementation of LAPD’s model for lethality assessment in potential suicides, and conduction of follow-up visits post negotiation.

**Techniques**

The most vital premises of crisis negotiations are to decrease emotions in order to build rapport and increase the rationale of the party in crisis. Decreasing emotions increases communication effectiveness, builds legitimacy, and aids in the creation of positive relationships. Hardly any progress can be made when emotionality is high in any of the parties involved. In order to decrease emotions, certain techniques can be applied to foster open communication, which builds the foundation for stable, trusting relationships.

Effective communication allows the subject to express legitimate grievances and gain a measure of emotional stability. It also affords the negotiator an opportunity to gain an individual’s trust. Essential components of communication are Active Listening and empathy. As political philosopher Saul Alinsky points out, “communication is a two-way process. If you try to get your ideas across to others without paying attention to what they have to say to you, you can forget about the whole thing” (Alinsky 81). Active Listening skills are unobtrusive verbal and non-verbal techniques that encourage the subject to speak while convincing him of the negotiator’s continued engagement in the conversation. Verbal tactics include asking open-ended questions, paraphrasing or summarizing the subject’s statements, and drawing connections between the subject’s situation and negotiator’s own experiences (if applicable). Maintaining eye contact, nodding, and leaning towards the speaker are all non-verbal cues that indicate the negotiator’s interest in the speaker’s dialogue. It is important that the negotiator be genuinely attentive to and concerned with the subject’s complaints. To ensure that a negotiator understands the core issues in a crisis, Dr. Dave Logan of the University of Southern California teaches a
technique called the “click-down” method, which suggests that a negotiator ask a series of open-ended questions, zeroing in on a single word or phrase from the subject’s response to direct the next question towards, in an effort to identify specific issues that can be handled more effectively than broad complaints. Communication throughout the dialogue should be in a tone that conveys empathy and understanding, encouraging trust between the subject and negotiator. Crisis negotiators must always be careful to take due care not only in their choice of words but in the sound of their voice, as misinterpretation (or perhaps correct interpretation) by the subject can cause irrevocable damage to the relationship and aggravate the subject.

Because rapport is based on trust, the negotiator must be both empathetic and sincere. While it may be tempting to promise unrealistic gifts in an effort to appease an irate subject, false promises ultimately damage a relationship, and run the risk of being exposed by attentive subjects. Sincere attempts to establish relationships, however, can be vital for de-escalating a crisis incident. Rapport-building serves as the foundation of the Negotiator-Subject relationship. A well-constructed relationship will allow the subject to trust the negotiator; a necessary step before the negotiator will have any meaningful influence over the subject. Rapport can become a point of leverage with the subject, as gradually the negotiator gains influence and trust. Because military presence itself can foster an atmosphere of anxiety and defensiveness among the civilian populous, military negotiators in a crisis often begin at a disadvantage. A Soldiers’ ability to empathize with and build rapport among the people is key to mitigating this disadvantage; It is also a critical component of the counter-insurgency strategy in general. Since in many cases the military must continue to work with the same community for an extended length of time, the relationships built (during negotiations and otherwise) must be genuine and durable.
Applications

One challenge to military negotiations is the disparity in culture and language between soldiers and civilians. The hindrance to communication of such differences can be devastating in crisis negotiating. A translators’ misinterpretation or negotiators’ failure to properly read non-verbal cues could lead to disastrous results. Arabic-English translators do just that: translate. They do not interpret verbatim, so the fundamental communication strategies taught in training could become largely ineffective. In order to maximize effective communication, two fundamental changes in the training of military personnel should occur. First, junior officers (generally the primary negotiators in a conflict) should receive at least introductory training in colloquial Arabic language and polity as part of required pre-deployment training. A basic familiarization with area-specific customs can help to avoid unintentional offense. It is important to note, for example, that gesturing “ok” and “thumbs up” are viewed as obscenities in Iraq (Iraq Country Handbook 2002). The second change, which is probably more important than polishing lieutenant’s social skills, involves training a platoon’s interpreter in basic negotiation strategies, specifically those regarding communication: active listening, the “click-down” method, etc. The interpreter will then have a better understanding of how to phrase officers’ statements, as well as what information is most important to relay to the officer from the Arabic-speaking party. At a minimum, untrained interpreters should be given basic instruction and guidance before communication sessions begin. Training interpreters in negotiation also allows for the institution of a secondary negotiator in altercations, which can facilitate negotiations with the benefit of having multiple perspectives.

The critical nature of negotiations in crises places a great deal of pressure not only on the party in crisis, but on the negotiator as well. A secondary negotiator can play many roles, acting
as a supporting effort for the primary negotiator and helping to catch cues that the primary negotiator may have missed. Secondary negotiators have the advantage of stepping away from the situation and analyzing it from a more rational perspective, as they are likely not as personally involved as the primary negotiator. Elite law enforcement agencies, such as the FBI Crisis Negotiation Unit, use a multi-person negotiating team as standard practice. Their negotiations, however, usually take place in a controlled environment where negotiators can communicate over the phone rather than face-to-face.

Military negotiations, in contrast, generally occur in person, and so the implementation of a secondary negotiator is more difficult than in the case of law enforcement. One possible solution is that the interpreter functions also as a secondary negotiator. This solution would also decrease suspicion from the opposing party; it is natural to communicate through a translator, who can easily and inconspicuously offer advice to the primary negotiator throughout the conversation. It is far less natural for a third party to interrupt discussion between the primary negotiator and the aggrieved person(s) in order to give suggestions or remind the negotiator of

*A secondary negotiator passes a note to CDT Luke Hutchison during training at the FBI’s National Crisis Negotiation Course*
important information. Though junior officers and translators may find this training most applicable, it is also important that senior officers are exposed so that they can understand and support their junior officers’ decisions during crises.

An instrumental component of the LAPD’s negotiation program includes a series of post-negotiation interviews used to assess the effectiveness of various methods used throughout the negotiation, similar to after action reviews commonly used by the military. These interviews were often filmed and used later for training purposes as well. In many instances the military can institute a similar practice. Negotiators should strive continuously for improvement in individual technique as well as the development of a concrete model for military negotiations. Therefore, in instances in which a trusting relationship was built during the negotiation and the risk to our soldiers deemed minimal, it would be beneficial to meet with subjects days or weeks after the event. The meeting should focus on how the subject felt throughout the negotiation, what the negotiator did well (according to the subject), and what the negotiator could have done better (perhaps the subject felt disrespected or felt as though his complaints were not being listened to). This meeting would allow negotiators to gain insight and experience, and would also serve to reinforce the positive relationship built with the subject during negotiations.

A facet of military crisis negotiations not yet addressed is the instance of inter-organization crises, specifically suicide threats made by service-members. A tool for crisis negotiators, a lethality assessment serves to determine a suicidal person’s risk of attempting (completing) suicide. The assessment measures four critical criteria in suicide risk, including intent, desire, capability, and buffers. The use of a lethality assessment can help a crisis negotiator determine what, if any, immediate steps need to be taken and start developing a strategy in order to avert the crisis. The lethality assessment can differ from organization to
organization but generally contains five levels of risk from low risk (no desire, capability or intent) to highest risk (attempt is already in progress or imminent). Primarily important in assessing lethality is that the negotiator be direct in his questioning. One of the first questions that should always be asked is: “Are you thinking about killing yourself?” Other questions should be directed towards the subject’s current mental state, whether a gun or other means are readily available, is there a history of mental illness, drugs or alcohol, previous suicide attempts, or history of suicide by family members. These questions are an investigation into the current state of the subject and precipitating factors that may lead up to a suicide. It is beneficial when handling suicidal persons to follow a prescriptive guide that can help to focus questioning and lead the conversation the right direction Negotiators armed with this assessment can quickly determine and prescribe a course of action that will not only prevent suicide in the short term but will also aid the person in crisis in the long term.

Crisis Negotiation, if utilized properly, can be extremely effective and greatly enhances the range of situations a negotiator will be prepared to handle. However, despite the benefits and necessity of Crisis Negotiation in specific circumstances, it will not by itself lead to a resolution of the problem - though in crisis situations it is a pre-requisite of problem-solving. Only once rapport has been established and emotions have been lowered should the focus of the negotiation be shifted from focusing almost exclusively on relationship and communication to include other elements of principled negotiating. It is this foundation in relationship and communication which is essential in crisis situations for allowing negotiations to progress to the point where conflict between the parties is mitigated and agreements can be made.
Works Cited


