Hostage/Barricade Management

A Hidden Conflict Within Law Enforcement

By GREGORY M. VECCHI

Intragency conflict between law enforcement tactical teams, such as special weapons and tactics (SWAT) and crisis negotiation teams (CNT), occurs seemingly as a result of competing paradigms on how best to handle hostage/barricade (H/B) situations. Much literature exists on the strategies and tactics employed by these teams; however, there is minimal research on how the overall paradigms of SWAT and crisis negotiation (CN) influence conflict between the teams and, more important, how their differing perspectives influence the outcomes of H/B situations.

CRISIS MANAGEMENT TEAMS AND THEIR ENVIRONMENTS

H/B situations constitute the ultimate form of conflict resolution because, if not managed in an optimal manner, death or serious injury likely can result. As such, H/B management is a very specialized activity, even within the law enforcement community, and requires special training and experience beyond what law enforcement officers generally receive. Therefore, agencies have developed specialized tactical and negotiation units to address these types of situations. Most local, county, state, and federal law enforcement agencies maintain officers on their tactical and negotiation teams on a collateral or part-time basis. Due to the collateral nature of these duties, agencies usually fill positions within tactical and negotiation teams with officers who work full time in other positions within the organization, such as patrol, investigations, administration, narcotics, organized crime, or vice,

depending on the size and type of the department (e.g., local, county, state, or federal). Once activated for training scenarios or actual situations, these individuals leave their daily routine, rally together, and deploy as required to address the situation.

Tactical and negotiation teams often are highly regarded and considered elite, both within and outside of law enforcement circles, because they tend to generate a high degree of interest from upper-agency management, politicians, and, especially, the media. A properly handled H/B situation averts catastrophe and creates "heroes," while poorly managed ones create disasters and can cost individuals their careers. Therefore, these teams usually are well funded and equipped and their members are competitively screened. For example, SWAT teams often have the best tactical equipment available, such as special rifles and handguns with laser/night sites, armored vehicles and aircraft, night vision devices, and camouflaged uniforms and equipment. In addition, SWAT team applicants usually must pass grueling physical fitness standards and possess excellent marksmanship skills before agencies select them for the team. Another example concerns the negotiation team, which oftentimes has special equipment, such as "throw phones,"[1] listening and video devices, and surveillance/communication vans. Additionally, negotiator applicants may have to compete with others to attend specialized training schools, which they must successfully complete before joining the team.

The high-profile nature of these teams, as well as the competitiveness of joining their ranks, results in team members who have a high degree of solidarity, confidence, and esprit-de-corps for their unit, especially in their shared team-related culture and perspectives. This constitutes an important factor when considering conflict between the teams because the culture and perspective of each team differ immensely. For example, tactical teams, generally paramilitary in nature, embody the core of police culture, which means reacting to situations and fixing them now. To them, the suspect presents a threat they must neutralize. In sharp contrast, negotiators prefer to take their time and negotiate with suspects in an effort to get them over their crises to end the situation peacefully and nonviolently, thereby saving lives. To the negotiators, the suspect is a human being who responds to needs fulfillment and active listening. Thus, conflict develops between tactical and negotiation teams as a result of the individual organizational culture of each team. This separateness defines and promotes their respective cultures while advancing their bonds, both socially and professionally.[2]

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In addition, conflict potentially can magnify between the teams because the characteristics of H/B situations often become political and media events, which oftentimes results in intense external and internal pressure on the responsible agency on how best to handle and report the situation. This factor increases the likelihood of friction between the SWAT and negotiation teams, as each promotes their strategic recommendations. At this point, clashing parochial paradigms and points of view may converge into an intense tug-of-war between the teams over how best to resolve the situation, which may result in the teams becoming focused on countering each other instead of jointly focusing on the existing situation and mission.

REDUCTION AND MANAGEMENT OF CONFLICT BETWEEN TEAMS

During any H/B situation, saving lives is the primary goal. Although both teams share this goal, their approaches to achieving it sometimes are different and commensurate with their perspectives and world views. For example, tactical teams often favor physically dynamic methods to neutralize a threat, such as containing, assaulting, and sniping. On the other hand, negotiation teams generally favor an emotion-lowering behavioral approach, such as active listening and needs assessment. In each case,

both teams attempt to influence the on-scene commander (OSC) by providing assessment and recommending options. If both teams agree on the recommended options, the potential for conflict is low. However, where little or no agreement exists between the teams on options, the potential for conflict can escalate.

When teams disagree on how best to resolve the situation, a unique conflict triangle exists comprising the OSC, the SWAT commander, and the negotiation commander. Similar to a quasi-arbitration process, the OSC acts as the arbitrator, listening to the arguments and views of the SWAT and negotiation commanders, who represent their respective team constituencies. Throughout the incident, the OSC, acting like an arbitrator, renders decisions on how best to address the situation, based on what the teams present. If the complimentary and sometimes conflicting information is not addressed properly, the resulting confusion tends to create a zero-sum[3] environment between the two teams, thus increasing their competitive positions on how best to handle the situation.

In addressing this unique problem, agencies can use contemporary negotiation theory to focus on the importance of reducing and managing the conflict between the two teams by applying a three-stage process—understand, prenegotiate, and negotiate—using the concepts of relationship outcomes, prenegotiation, and collaboration and intrateam/interteam negotiation.

Stage One (Understand): Fostering Relationships

This stage involves reducing the potential for conflict before it surfaces, which is accomplished by each team understanding and acknowledging the importance and legitimacy of each other, especially through fostering relationships. Throughout this continuing stage, the potential for conflict diminishes as both teams develop and promote social bonds through continuous interaction, thereby reducing their organizational cultural barriers. The strategies and underlying attitudes by which the two teams relate are indicators of their relationship and serve as guides to determine whether or not to apply structural interventions.

To further clarify these indicators, departments can use certain strategies[4] to deal with four possible results relating to the importance of substantive and relationship outcomes for a given situation. In hostage/barricade situations, this relates to the importance of the relationship between members of the tactical and negotiation teams (are they going to have to continue to work together in the future?) and the importance of the content of the outcome of their work (the desire to save lives). In this model, people use a *trustingly collaborative strategy* when relationship and substantive outcomes are important, an *avoidance strategy* when relationship and substantive outcomes are unimportant, *a firmly competitive strategy* when substantive outcomes are high and relationship outcomes are low, and an *openly subordinate strategy* when relationship outcomes are high and substantive outcomes are low. Of greater importance is the notion that individuals adopt different strategies in different relational and content contexts.[5] This becomes a significant point, especially concerning the context of the interaction between the teams and their environment.

In any H/B situation, both the tactical and negotiation teams, by their very nature, place great importance on substantive outcomes (saving lives); however, the importance placed on their relationship outcomes determines much of the potential conflict. The degrees of team interaction, positive or negative or present or absent, influence the overall relationship and the importance placed on it by each team. In this area, positive team interaction can encourage the reduction of potential conflict before the onset of a H/B situation.

Many agencies have fostered relationships through eliminating "tactical" and "negotiation" rhetoric by placing and, therefore, perceiving SWAT operators and

hostage negotiators as elements of the same "team," albeit the fact that they remain distinct teams, which has led to the use of trustingly collaborative strategies between the SWAT members and the negotiators during deployment. In addition, some SWAT and negotiation teams routinely train as a unit, which further fosters positive relationships because all of the differing elements have a chance to display and practice their unique skills during training with the assurance that the situation will dictate the strategy and tactics of the team, rather than parochial preset positions.

Stage Two (Prenegotiate): Setting the Stage for Collaboration

The importance of each team understanding and acknowledging the significance of their interdependence and relationship outcomes is critical; however, this alone will not necessarily prevent conflicts that may arise during H/B situations. Therefore, both teams first must be poised to negotiate their perspectives with each other to facilitate collaborative interaction to solve H/B situations as they occur. This posturing or "stage setting" is "prenegotiation."

Prenegotiation is the time period before negotiations take place when agencies consider a multilateral track as a possible alternative to a unilateral track to a solution in a conflict.[6] For SWAT and negotiation teams, this represents an upfront agreement to define the problem and make a commitment to negotiate jointly to obtain the best solution possible. In prenegotiation, SWAT operators and negotiators agree to avoid parochial perspectives (unilateral track), address H/B situations from both perspectives (multilateral track), and make collaborative decisions on which options to choose as dictated by the unfolding H/B situation. The prenegotiation stage also requires both teams to accept final decisions uniformly by the OSC without prejudice to the other team. Departments should address any disagreements in an appropriate after-action review process subsequent to the incident being resolved.

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Stage Three: (Negotiate): Using Collaboration and Intrateam/ Interteam Negotiation

Once the teams successfully complete stage one and stage two, they can move easily into the next stage. In stage three, both teams work together and among themselves toward achieving their common goal of saving lives and bringing the H/B situation to a peaceful end if at all possible. Members can accomplish this by collaboration and intrateam/interteam negotiation.

Collaboration entails building a common understanding of a problem from varying points of view as the basis for choosing a collective course of action.[7] This represents a process where parties can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible. Law enforcement effectively has used collaboration for resolving conflict and advancing shared visions. It implies interdependence, involves joint ownership of decisions, and assumes collective responsibility for the future direction of the domain.[8] Agencies may find collaboration useful in handling problems displaying characteristics such as:[9]

- The problems are ill defined, or a disagreement exists about how they should be defined. (Is it a hostage or crisis situation?)
- There may be a disparity of power and resources for dealing with the problem. (The OSC may be oriented tactically, or there is insufficient money to pay officer overtime expenses if the situation becomes protracted.)
- Stakeholders may have different levels of expertise and different access to information about the problem. (SWAT members know the location of the suspect within the structure and the negotiators do not.)
- Technical complexity and scientific uncertainty exists. (Suspect reactions to police action are difficult to predict.)

- Differing perspectives on the problem often lead to adversarial relationships among the stakeholders. (Should law enforcement take a tactical or negotiated approach?)
- Incremental or unilateral efforts to deal with the problem typically produce less than satisfactory solutions. (Forcing a tactical resolution without regard for other options.)
- Existing processes for addressing the problems have proved insufficient and may even exacerbate them. (Continued negotiations with no success.)

A win-win approach is based on the concept that each party in the negotiation represents a problem solver and that all the parties share a need to solve the same problem.[10] In this style, negotiators keep the goal in mind and focus exclusively on reaching the goal. When applying the concept of teamwork to negotiations, "at the outset it is made clear that the sole purpose of the negotiation is to discuss a mutual problem, identify areas of agreement, identify areas of disagreement, understand why there is disagreement, identify and explore alternatives, and, finally, reach a mutually acceptable resolution."[11]

Although both the tactical and negotiation teams may have differing perspectives or world views about how best to handle H/B situations, they both share the underlying goal of saving lives and bringing the situation to a peaceful resolution. Interteam negotiations (SWAT and negotiators) and intrateam negotiations (SWAT commander and SWAT operatives or negotiation commander and negotiators), in training and in actual deployment, promote the understanding that everyone shares the same goal and seeks to turn potential adversaries into partners. This team approach reduces potential conflict because it gives ownership of possible options ultimately presented to the OSC to everyone on both teams. Thus, instead of picturing SWAT and negotiators as opposing teams, they are viewed as

one team, composed of interdependent elements, akin to offensive (tactical) and defensive (negotiation) elements, with the goal of working together to solve the same problem, albeit from different perspectives and with different motives.[12]

THE IMPACT AND ROLE OF THE ON-SCENE COMMANDER

On-scene commanders have tremendous impact on the potential conflict between tactical and negotiation teams simply because they determine how a department will address and ultimately resolve a H/B situation. However, arriving at an acceptable resolution and averting potential disaster require the OSC to rely on the SWAT and negotiations commanders, who provide the OSC with the necessary assessment and options to make informed decisions to resolve the situation in the safest way possible. One expert believes that, "Influence must replace the use of formal authority in relationships with subordinates, peers, outside contacts, and others on whom the job makes one dependent."[13] This holds true especially between the OSC and the SWAT and negotiations commanders and it requires the OSC to balance influence and power, much like a mediator-arbitrator, who encourages the teams to collaboratively and collectively conceive strategic options based on their perspectives and available information, yet who still reserves the right to make the final decision on which option to choose. The OSC who uses this approach also encourages and fortifies the principles of the three stages by developing a web of influence, which can be mutually advantageous to all who interact within it.[14]

On-scene commanders can foster continued understanding and positive relationships between the teams by balancing the time they spend with each team according to the needs of the work, rather than on the basis of habit or social preference.[15] This constitutes an important consideration for OSCs because they inadvertently may favor

one team over the other, straining the team relationships, especially if they agree more with one team based on their previous experience as a SWAT operator or negotiator.

The OSC can greatly influence whether or not departments encourage prenegotiation between the teams. Parties shift from unilateral solutions toward multilateral or negotiated ones when the unilateral track is blocked or overly costly or when the alternative track is more promising or comparatively cheaper.[16] Thus, keeping prenegotiation alive between the teams requires the OSC to move the teams in a multilateral direction by understanding and acknowledging the perspectives of each team and their strengths and weaknesses while, at the same time, applying their specific skills and tactics to the problem, based on the parameters of the situation and on the experience of the OSC. This approach tends to poise both teams toward collaborative negotiation and subsequent consensus of action because they will perceive the distribution of power between them moving toward equality.[17] This constitutes an important consideration because, oftentimes, a real or perceived imbalance of power exists between the tactical and negotiation teams. For example, this power imbalance may result from the perception by some officers on the tactical team that the field of hostage negotiations is somehow less legitimate because it represents a relatively new phenomenon. Additionally, a real power imbalance may occur based on the fact that, in many cases, the SWAT team responds first to a H/B situation and takes control with little or no regard for the negotiation team.

Finally, on-scene commanders can encourage collaboration and intrateam/interteam negotiation through properly choosing influence tactics and by communicating them effectively. Certain H/B situations may cause OSCs to select options or tactics that conflict with the perspectives and recommendations of one or both teams, which may be due to their past experiences or political mandates outside of the OSC's control. Thus, when dealing with the teams in these situations, OSCs must preserve their continued efforts to collaboratively negotiate their perspectives and options by influencing them to accept any divisive outcomes in a palatable way, based on rationality and the needs of those to be influenced. One expert believes that, "Effective communications become interwoven coils of silk in the web of influence that help ensure success of tactics."[18]

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CONCLUSION

Depending on the circumstances, agencies may deal with hostage/barricade situations on a response continuum ranging from a tactical response using force to a purely nontactical response using negotiation. This dichotomy results in differing perspectives and skills, which SWAT and negotiation teams exhibit, and a potential for conflict.

To reduce this conflict potential, under the full support of the on-scene commander, the tactical and negotiation teams should strive to understand each other by fostering relationships, prenegotiating by setting the stage for collaboration, and negotiating options through collaboration and consensus. In doing so, options have a higher measure of validity because teams process them through two general perspectives, rather than just one, and, more important, both teams may claim ownership of the options, thereby moving onto more pressing issues instead of dwelling on one. This approach allows the two teams the flexibility of agreeing to disagree on certain issues leading to the recommended options, yet remaining jointly committed to the course of action on which they have settled, thereby providing the on-scene commander with reliable assessment and options for making informed decisions.

Teams manage conflict when it does not interfere substantially with the ongoing functional (as opposed to personal) relationship between the parties involved.[19] In hostage/barricade situations, tactical and negotiation teams must work together with the OSC to resolve the incident in the safest and most nonviolent manner possible by using their unique perspectives and skills in a

way that is consistent with the overall goal of saving lives. ✦

Endnotes

[1] Specialized telephones that are literally "thrown," usually through a window, to where the subject is located. These telephones are used to establish direct communication between the negotiator and the subject.

[2] L.G. Bolman and T. E. Deal, *Reframing Organizations: Artistry, Choice, and Leadership*, 2nd ed. (San Francisco, CA: Jossey-Bass Publishers, 1997), 217.

[3] An outcome where one side loses and the other side wins; as opposed to a win-win outcome where the needs of both sides are met.

[4] G. T. Savage, J. D. Blair, and R. L. Sorenson, "Consider Both Relationships and Substance When Negotiating Strategically," in *Negotiation: Readings, Exercises, and Cases,* eds. R. J. Lewicki, D. M. Saunders, and J. W. Minton (Boston, MA: Irwin McGraw-Hill, 1989), 32-49.

[5] Ibid.

[6] I.W. Zartman, "Prenegotiations: Phases and Functions," in *Getting to the Table: The Processes of International Prenegotiation,* ed. J. Stein (Baltimore, MD: Johns Hopkins University Press, 1989).

[7] B. Gray, "Collaboration: The Constructive Management of Difference," in *Negotiation: Readings, Exercises, and Cases,* eds. R. J. Lewicki, D. M. Saunders, and J. W. Minton (Boston, MA: Irwin McGraw-Hill, 1989), 111-126.

[8] Ibid.

[9] Ibid. These problems also are characteristic of H/B situations, which are highlighted in parentheses.

[10] J. G. Zack, "The Negotiation of Settlements: A Team Sport," in *Negotiation: Readings, Exercises, and Cases,* eds. R. J. Lewicki, D. M. Saunders, and J. W. Minton (Boston, MA: Irwin McGraw-Hill, 1994), 328.

[11] Ibid., 333.

[12] Ibid.

[13] B. Keys and T. Case, "How to Become an Influential Manager," in *Negotiation: Readings, Exercises, and Cases,* eds. R. J. Lewicki, D. M. Saunders, and J.W. Minton (Boston, MA: Irwin McGraw-Hill, 1990), 204-209.

[14] Ibid.

[15] Ibid., 210.

[16] Supra note 4, 8.

[17] Supra note 4.

[18] Supra note 13, 214.

[19] L. Greenhalgh, "Managing Conflict," in *Negotiation: Readings, Exercises, and Cases,* eds. R. J. Lewicki, D. M. Saunders, and J. W. Minton (Boston, MA: Irwin McGraw-Hill, 1986), 6-13.

Special Agent Vecchi serves in the FBI's Miami office.

Attention: Homicide and Missing Person Units

VICAP Alert

Unidentified Body

The U.S. Park Police are investigating the discovery of an unidentified male on April 13, 2000, at approximately 5:30 p.m. The decomposed body was discovered in Beaver Dam Creek, located on the grounds of the U.S. Agricultural Research Center in Beltsville, Prince Georges County, Maryland.

Crime Scene

The victim was described as a white male, between 30 and 35 years of age, about 6'3" in height, and weighing more than 200 pounds. The color and length of hair were undetermined. He was wearing a brown wool jacket, brand name "L.L. Bean," size 48 tall; a green hooded sweat jacket; a T-shirt, brand name "Haines," size XL with the "Nike" logo; blue jeans, brand name "Wrangler," size 36x36; and "Original Rugged" hiking shoes, brand name "Outback." A set of keys on a large safety pin and four $1 bills also were found in the victim's clothing.

The victim had several strands of barbed wire wrapped around his neck. The cause of death may have been blunt force trauma to the head, along with strangulation. The victim may have been in the water for as long as 2 months. Partial fingerprints are available, as well as two facial reconstructions.

Alert to Law Enforcement

Any agency with information about this victim or with similar solved or unsolved crimes should contact Detective A. Kapetanakos of the U.S. Park Police at 202-690-5065 or Special Agent Kevin Crawford of the FBI's Violent Criminal Apprehension Program (VICAP) at 800-634-4097. ✦