

LESSONS FROM HOSTAGE NEGOTIATION

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In a typical hostage negotiation situation, a hostage taker threatens to harm himself or another person as a means toward an end. The hostage taker may have been caught robbing a convenience store and taken the hostage as leverage to improve his (nearly all hostage takers are male) situation. Or, he may have some religious, political, or psychological motivation that he hopes to draw attention to by threatening to commit suicide.¹ In hostage scenarios such as these, the police work to end the incident without any loss of life. This is typically achieved by a trained response team that works quickly to contain the scene and create an environment in which the incident commander can employ a number of different strategies. Because of its success as a non-lethal approach, the most common strategy is negotiation.

What makes hostage negotiation unique as a communicative event is the high stakes and heightened ambiguity that underlies the interaction. The hostage taker is negotiating for his life, and the police are negotiating for the lives of the hostages. Such a negotiation is not embedded in the traditional dynamics of normative thinking and good faith, but on the extreme dynamics of emotional arousal and anxiety. The negotiators must listen carefully, resist the temptation to react defensively, and work to build trust and cooperation. The stakes are high, the stress is extreme, and the demands on the negotiators are fierce. When the communication context is stretched in this manner, it opens an important window into the complex dynamics of mixed-motive negotiation.

By the end of this chapter, we hope to give the reader not only an understanding of the dynamics that are important to hostage negotiation, but also some “food for thought” about how best to approach more normative bargaining challenges. While often perceived as unique interactions, hostage negotiations are shaped by a set of dynamics and rules that can inform other negotiation contexts. For example, sales agents are often faced with very hostile buyers who negotiate by giving ultimatums. This form of aggressive, highly distributive bargaining is common in early stages of hostage negotiation, and sales agents can learn many lessons about how to defray these kinds of aggressive strategies. Indeed, many critical features of negotiated interaction have been easier to identify in the hostage context than in its normative counterparts, due to the saliency of interpersonal actions within a high-pressured, crisis context.²

The way police negotiators interact with hostage takers may therefore have important lessons for negotiators outside of the hostage context. In this chapter, we explore four aspects of hostage negotiation that are critical to reaching a successful resolution. As it turns out, these facets are equally important lessons for negotiators who want success in a wide range of contexts.

Contain, Contain, Contain!

Experience has taught police teams that it is necessary to contain a hostage taking before engaging in dialogue. Almost without exception, a police team will delay interaction until they are satisfied that they have eliminated routes into and away from the scene, and minimized the ability of the hostage takers to contact third parties. The dangers of not containing a scene are made transparent by incidents in which well-intentioned members of the public are harmed.³ Equally problematic, and unfortunately more common, are incidents in which information from a third party (e.g., TV coverage) undermines the police negotiator's position.

The availability of information from third parties can dramatically shift the balance of power and undermine a well-crafted persuasive position in many bargaining contexts. Yet, negotiators and scholars outside of the hostage context continue to focus on events at the negotiation table, with only cursory recognition of the "negotiations" that occur away from the table [Docherty & Campbell, *Many Tools*]. Away from the table, negotiators will often work to manipulate the perceived value of issues, try to gain influence and power, and work to develop and protect their personal identity.⁴

Containment also serves purposes more subtle than minimizing the interference of outside players. For example, the elimination of other opportunities and exit routes is known to have a positive effect on individuals' cooperation within an interaction. Negotiators typically show more interdependence, they are more likely to reciprocate concessions, and they achieve higher joint outcomes than negotiators who have alternative options.⁵ Police negotiators often refer to this as creating a "we-are-in-it-together" environment, whose rationale centers on the fact that it is more difficult for an individual to withdraw from the negotiating process when they perceive themselves as having a stake in its success.

Beyond helping to influence hostage taker's behavior, containment also plays an important role in police negotiator efforts to present information persuasively. Containment not only allows negotiators to limit a hostage taker's knowledge of what might be available, but it also allows them to distort the value of the alternatives. For example, police negotiators will often remonstrate at length about the difficulty of providing something to the hostage taker. This approach draws on people's typical reaction to scarcity⁶ [Guthrie, *Inducing Compliance*], which is to view a resulting offer or concession as considerably more attractive than would otherwise be the case. Similarly, police negotiators will always try to break down any substantive considerations into their constituent parts. Rather than talk about a pizza, they will talk about where the pizza should be bought, what toppings it should have (and whether the police negotiator and hostage taker have common preferences in toppings), what the base should be (and the problems with cold "stuffed crust"), what drink should be included, whether or not there should be any side orders, and so on. A dialogue along these lines might occur as:

"You know Chris, we're trying to help you out. We got you the pizza. We got you the base you wanted, you know that thin crust

because I know you hate deep crust. We got you the toppings, what was it? Ham, mushroom and extra pineapple? I'm not sure I could stomach the extra pineapple personally but that's your choice and we got you that. And, we got the pizza from Store A. My boss reckoned we should just go to Store B because it's closer. But I said that's not what Chris wants, he wants a pizza from Store A. So I pulled you in a bit of a favor there by getting the pizza from Store A."

The result is an interaction in which negotiators are able to share a joke over topping preferences, demonstrate concern that the hostage taker also have a drink, concede on providing the desired side order and pizza toppings (which is a concession that deserves reciprocation), and provide the hostage negotiator with needed food. By controlling the presentation, the police negotiator verbally contains the hostage taker by keeping them occupied over the details of the pizza order. They also make clear that they are conciliating on far more than a pizza.

In summary, police negotiators rely on containment to limit the influence of unpredictable outside factors and to allow for some control of how information is fed to the other party. The impact of not containing these factors is very apparent in the high-stakes, uncertain environment of hostage taking, where a mismatch between what negotiators say and what others do or say can critically reshape the conflict, as the end of the Branch Davidian siege at Waco unfortunately testifies.⁷ The lesson here, then, is to remember that negotiations are often shaped away from the table, and that individuals' perceptions and beliefs while at the table may be crafted to be very different from the reality away from the table, but only if the negotiation is successfully contained.

Expanding the Emotional Pie

Most negotiation research recognizes the importance of "expanding the pie" and searching for optimal solutions. However, negotiators and negotiation theory have traditionally viewed this integrative strategy as relating to substantive issues. For police negotiators, however, issue exploration comes second to emotional exploration. Recent estimates suggest that nearly 80% of all hostage situations are emotion or relationship driven.⁸ For this reason, police negotiators have learned to work quickly to understand and negotiate around expressive aspects of the situation. They seek to reduce the tensions and perceived threats of the context, and they focus early efforts on developing trust and identifying face saving strategies.⁹

What is unique about this perspective is not the recognition that emotive factors play a role in negotiation, since this is now recognized across many disciplines.¹⁰ The unique aspect of this perspective is the way in which emotive concerns are viewed. In many traditional negotiation contexts, relational and identity dynamics continue to be viewed as mediating factors that help or hinder efforts to work towards a substantive agreement. The traditional view is to conceptualize emotion as something that needs to be dealt with before considering instrumental issues,¹¹ or as something that informs understanding of instrumental positions.¹² In contrast, for the police negotiator, it is as important,

if not more important, to search the emotional pie and address emotions as negotiation issues in their own right.

To illustrate this shift in perspective, consider a hypothetical organizational take-over and efforts by the potential buyer to identify what is likely to persuade the organization's board. In all likelihood, a traditional buyer would seek to determine the board's perception of the organization's value by gleaning information about costs and overheads, the value of subsidiary assets, whether money can be saved in staffing, and so on. A police negotiator, however, would seek to determine whether members of the board are concerned for the well-being of their employees, are worried about their personal reputation after the take-over, have a desire to retain influence on the board, and so on. By answering these kinds of emotive questions, a negotiator begins to uncover what might persuade the board members to accept less attractive offers than would rationally be the case when dealing with instrumental factors. In fact, a negotiator using typical police training might be more successful at negotiating a willing takeover.

So how do police negotiators expand the emotional pie? There are at least two dimensions to the answer. The first is that police negotiators work proactively to manage a hostage taker's anxieties.¹³ Rather than rush to deal with instrumental aspects of the negotiation, police negotiators use techniques such as mirroring, self-disclosure, and paraphrasing to show their interest in the hostage taker's emotive concerns.¹⁴ By coupling this with supportive feedback and non-assumptive questions (e.g., "I've not been in your position, but I guess you must be feeling very lonely"), the negotiators efforts to show interest encourage the hostage taker to express his concerns and, at the same time, vent his emotions. Police negotiators do not try to counter emotionality with rational debate, which is generally ineffective in high-pressure scenarios.¹⁵ Instead, they accept that emotion itself is an important issue of the negotiation, which must be continuously monitored, explored, and addressed. [Shapiro, Emotions]

The second is that police negotiators work to identify the hostage taker's main underlying problem or driver. At any one time, a hostage taker will communicate about one particular concern or issue, ranging from concerns about personal identity, to concerns about relational issues such as trust and power, through to concerns about substantive issues.¹⁶ Police negotiators listen carefully to the hostage taker's dialogue, and seek to identify this prevailing issue. They then address it by matching the framing of their own messages to the hostage taker's framing. For example, it is not useful to make substantive offers when the hostage taker's real concern is for his personal identity and the shame the incident will bring to his family. By focusing on an inappropriate frame, a negotiator is in danger of making the hostage taker feel misunderstood or undervalued, which may lead to further conflict and heightened emotions. By interpreting the focus of dialogue, negotiators may also act proactively to identify under-explored issues that will expand the emotional pie. For example, by keeping track of changes in dialogue it is possible to gauge how much time has been spent discussing various identity, relational, and substantive issues. If negotiations come to a standstill, negotiators are able to review the motivational focus of previous dialogue and move to an issue that has yet to be covered.

Much of police negotiators' efforts to resolve hostage crises rely on their ability to explore and understand the emotional drivers of the hostage taker. Far from being hindrances or mediating issues in the interaction, emotions are defining points of bargaining that often determine how the interaction unfolds. The lesson for traditional contexts here, then, is that one can never overestimate how beneficial it will be to spend some time exploring aspects of the emotional pie.

Primacy of Relationship

Hostage negotiation revolves around the interplay between demands and issues that both sides must manage. Hostage takers are usually able to articulate their demands. They may want specific, concrete items like money or freedom, or they may make more nebulous demands for revenge. However, they often have difficulty articulating the underlying issues that brought them to this precipice. This negotiation problem, of course, is not unique to hostage takers. [Guthrie & Sally, Miswanting] Similarly, police negotiators' demands clearly centre on freeing the hostages and ending the incident peacefully. But the process of executing this goal is often driven by various issues that can be difficult to sort through, such as staff fatigue, overtime costs for maintaining the scene, and police jurisdictional and publicity issues.

These demands and issues interact, and the ability of both sides to craft a resolution rests on their ability to transform their relationship into one that can manage the two features. The key transformation involves moving from a highly distributive, competitive relationship to a more collaborative orientation. The route to this transformation begins by providing some time for people to emotionally disengage, after which it becomes possible to slowly exchange relatively low-risk information (e.g., small talk). This helps to build trust, which provides a basis for negotiators to develop a working relationship that can focus on problem solving. Such problem solving centers on simple issues such as food and electricity in the beginning, but ultimately the negotiators need to move toward a more engaged collaborative relationship that focuses on underlying issues. When collaborating, the fundamental, underlying basis of the conflict becomes exposed, and personal needs (tied to self concept) emerge, allowing mutually fulfilling outcomes to emerge in turn.

An example might serve to illustrate these points. In an airline hijacking in the early 1970s, a passenger hijacked an airplane bound for Atlanta by packing dynamite under his coat. When negotiations began, he shared demands for many items that included money and fuel to get to Cuba. As the interactions unfolded, the police negotiator learned that the hostage taker hijacked the plane to demonstrate his manhood to his partner, with whom he had fought the night before. This personal issue became a turning point from cooperation (sharing demands and information) to collaboration, in which underlying issues were explored. The resolution called for the hijacker to release the passengers in exchange for a phone to call his partner. The passengers were released, and the phone call was made. (Unfortunately, in this instance, the hijacker committed suicide while on the phone.)

As negotiators manage their issues and demands, both their competitive and collaborative orientations present paradoxical relational challenges. A collaborative relationship is paradoxical because parties like and trust one another, but resist the kind of engagement that would expose them extensively. They are pushing the other away while also pulling them closer. Similarly, a competitive relationship is also paradoxical, since parties do not like and trust one another, but they are highly engaged. They are pulling the other closer in order to defeat or in other ways harm them.

In the opening movements of a hostage negotiation, very competitive relationships tend to dominate. The police negotiator tries to slowly, but deliberately shift away from this approach into more of a time out period characterized by exchanging preliminary information, and moving hostage takers away from demands and threats. Parties explore roles and engage in a great deal of small talk. The goal of the police negotiator is to build sufficient trust to move toward a more cooperative relationship, but without compromising personal credibility. These preliminary discussions often center on such substantive issues as food, heat, light, and logistics as a means of moving the hostage taker into a more cooperative orientation. Once a collaborative orientation starts to emerge, then more substantive issues and demands can be explored. Collaboration is marked by cautious but positive problem solving for both parties.¹⁷

The key to moving through these relational frames is to avoid compromising trust and moving in the wrong direction, away from cooperation and back to coexistence. If trust can be established through relatively minor exchanges of food for hostages, then more important demands can follow—but not too rapidly. Thus, police negotiators are keenly aware of how to manage the relational perspectives of hostage takers to build the foundation that allows certain issues and demands to emerge. Without this foundation, executing the substantive goals becomes quite difficult.

The implications of managing relationships effectively are profound. For example, consider the sales agents referred to above. Often they are confronted with hostile buyers who, in a sense, treat these agents like police negotiators, while themselves taking on characteristics of hostage takers. Even if the buyers “must” buy from the sales agent, they often begin by making outrageous demands using the “take-it-or-leave-it” tactic. Thus, the first goal of the agent is to shift the relational frame from competition to coexistence, then to cooperation, and if possible, to collaboration. But the critical shift is the first one, to coexistence or a relational state in which people disengage from the task and simply try to get to know one another. That shift requires at least superficial information sharing, to build trust and affiliation. For example, the agent might ask the buyer to elaborate on his or her demands to uncover a rationale. Then, once the conversation gets rolling, personal topics and affiliative language can be used to move toward more cooperation and greater information exchange.

Going Beyond Yes and Closing the Deal

Generally, once the parties enter at least a moderately collaborative mode, with key issues being exposed and substantive problem solving holding its

course, the parties craft the outline of a deal. At some point, as in the hijacking incident, a deal is struck and both parties say yes. However, one of the most difficult times within hostage taking comes at the end, once an agreement has been reached. At the point of surrender, the hostage taker has lost his leverage, and is very sensitive to any suggestion that he has been tricked, duped, or generally led into a deal that appears different from what he envisaged. To deal with this problem, police negotiators stress the need to move slowly through the surrender sequence, in a very deliberate fashion. Each detail must be carefully orchestrated so that everyone's safety can be maximized.

The lesson for other contexts here is a simple but important one. Aftercare is a big business in negotiation. The goal is not simply to "get to yes," but to close the deal after "yes" has been heard. This closing requires meticulous attention to detail about how the process will unfold, and specific markers of success [Wade and Honeyman, Durability].

For example, once the buyer has said yes to the agent about the money part of the deal, then all the process issues kick in. How will the deal be consummated? Steps 1 through N must be laid out and clearly documented, leading toward the final delivery of the product. The post-yes steps might even include follow-up to ensure customer satisfaction. The key point is that clear steps make the deal work, just as they do in hostage negotiation.

Lessons from Hostage Negotiations

Several lessons about the normative negotiation context can be derived from the crisis context. First, and perhaps most important, the crisis approach to negotiation is very proactive and deliberative. One police negotiator termed it "dynamic inactivity." He meant that hostage negotiation is all about working aggressively behind the scenes to develop strategies and tactics aimed at solving the problem while slowing down a process that might naturally turn frenetic. The goal is to move by "known successful" steps to achieve a successful resolution. For example, police need to contain before negotiating to ensure bargaining in good faith. That rule cannot be compromised except in extreme circumstances. After containment, it is considered critical to explore feelings and emotions while developing the relationship between the hostage taker and negotiator. Negotiators in more normative contexts, such as business, often underestimate the importance and value of being deliberate and thorough and not shortcutting the process.

The second lesson focuses on the need to understand the foundational issues in conflict. Police negotiators cannot deal with superficial treatment of issues because they may not be able to save lives until the hostage taker's deeper issues are at least acknowledged, and probably addressed overtly. The crisis orientation is always focused on uncovering the hostage taker's key drivers. But business negotiators face a similar challenge. In this context, negotiators can get lost in such superficial issues as price and delivery dates, and ignore the larger issues that are really driving the deal. Again, the need to be expedient and take shortcuts often compromises the outcome.

A final lesson that emerges from this analysis is the need to look at a negotiation comprehensively. Crisis negotiation is not a process that is

reducible to focusing only on gain or loss frames, or negotiator style, or power differentials. A crisis negotiator has to understand the entire context including constituent relations, events happening external to the scene, and certainly the process of interaction. Of course, the effective business negotiator must take this same broad view. They must also feel their way through a complex web of issues and relationships. Thus we can gain many important insights by exploring the interplay between the normative and crisis negotiation contexts.

ENDNOTES

¹ Despite the absence of a true hostage, current practice treats these cases similarly, as both the underlying causes and the teams and techniques found useful are similar to those that are effective in a classical hostage scenario.

² Donohue, W.A., C. Ramesh, G. Kaufmann, & R. Smith, "Crisis Bargaining in Intense Conflict Situations," 21 INT'L J. OF GROUP TENSIONS 133 (1991).

³ McMains, M.J. & W.C. Mullins, CRISIS NEGOTIATIONS: MANAGING CRITICAL INCIDENTS AND HOSTAGE SITUATIONS IN LAW ENFORCEMENT AND CORRECTIONS, 2nd ed., (2001).

⁴ Donohue, W.A. & G.D. Hoobler, "Relational Frames and Their Ethical Implications in International Negotiation, An Analysis Based on the Oslo II Negotiations," 7 INTERNATIONAL NEGOTIATION 143 (2002) and Donohue, W.A. & P.J. Taylor, Testing the Role Effect in Terrorist Negotiations, 8 INT'L NEGOTIATION 527 (2003).

⁵ Note that in cases of suicide intervention, the police negotiators primary goal remains the same; it is to contain the threat by eliminating the hostage taker's ability to take the alternative option of taking their life. Donohue & Taylor, *supra* note 4, and Giebels, E., C.K.W. DeDreu, & E. Van de Vliert, "Interdependence in Negotiation: Effects of Exit Options and Social Motive on Distributive and Integrative Negotiation," 30 EUROPEAN J. OF SOCIAL PSYCHOLOGY 255 (2000).

⁶ (Cialdini, 2000, p. 203)

⁷ Wright, S.A., "No Outside Entrances—A Decade After Waco: Reassessing Crisis Negotiations at Mount Carmel in Light of New Government Disclosures," 7 NOVA RELIGIO 101 (2003).

⁸ Van Hasselt, V.B., J.J. Flood, S.J. Romano, G.M. Vecchi, N. de Fabrique, V.A. Dalfonzo, "Hostage-Taking in the Context of Domestic Violence: Some Case Examples," J. OF FAMILY VIOLENCE 21 (2005).

⁹ Donohue et al., *supra* note 2, and Taylor, P.J., "A Cylindrical Model of Communication Behavior in Crisis Negotiations," 30 HUMAN COMMUNICATION RESEARCH 7 (2002).

¹⁰ Barry, B., "The Tactical Use of Emotion in Negotiation," in R.J. Bies, R.J. Lewicki, and B.C. Shappard (Eds.), RESEARCH ON NEGOTIATION IN ORGANIZATIONS, Vol. 7 (1999).

¹¹ Hammer, M. & R. Rogan, "Negotiation Models in Crisis Situations: The Value of a Communication-Based Approach," in R. Rogan, M. Hammer & C. Van Zandt (Eds.), DYNAMIC PROCESSES OF CRISIS NEGOTIATIONS: THEORY, RESEARCH, AND PRACTICE (1997).

¹² Van Kleef, G.A., C.K.W. De Dreu, & A.S.R. Manstead, "The Interpersonal Effects of Emotions in Negotiations: A Motivated Information Processing Approach," 87 J. OF PERSONALITY AND SOCIAL PSYCHOLOGY 510 (2004).

¹³ Miron, M.S. & A.P. Goldstein, HOSTAGE (1979), and Noesner, G.W. & M. Webster, "Crisis Intervention: Using Active Listening Skills in Negotiations," 66 FBI LAW ENFORCEMENT BULLETIN 13 (1997).

¹⁴ Hammer & Rogan, *supra* note 11, Noesner & Webster, *supra* note 13, Vecchi, G.M., V.B. Van Hasselt, & S.J. Romano, "Crisis (Hostage) Negotiation: Current Strategies and

Issues in High-Risk Conflict Resolution,” 10 *AGGRESSION AND VIOLENT BEHAVIOR* 533 (2005).

¹⁵ Vecchi et al., *supra* note 12.

¹⁶ Taylor, *supra* note 9, Taylor, P.J. & I.J. Donald, “The Structure of Communication Behavior in Simulated and Actual Crisis Negotiations,” 30 *HUMAN COMMUNICATION RESEARCH* 433 (2004).

¹⁷ Note that the police negotiator’s frame for problem solving is a limited one. See Cambria, J., R.J. DeFilippo, R.J. Loudon, & H. McGowan, “Negotiation Under Extreme Pressure: The “Mouth Marines” and the Hostage Takers,” 18 *NEGOTIATION J.* 331 (2002).