

Recommended Negotiation Guidelines and Policies

National Council of Negotiation Associations (NCNA) and FBI Crisis Negotiation Unit (CNU)

Recommended Negotiation Guidelines*

1. Guiding Principles

A. The Goal of the Negotiation Process is to save lives and to resolve crisis and/or critical incidents while attempting to avoid unnecessary risk to officers, citizens, victims, and subjects.

B. The application of Crisis Negotiation skills has consistently proven to be law enforcement's most risk effective method to achieve the desired outcomes in crisis and/or critical incidents. Some examples may include but are not limited to:

1. Hostage incidents,
2. Suicidal subjects,
3. Barricaded subjects,
4. Active assailants,
5. Civil unrest events,
6. Terrorist incidents, and/or
7. High risk warrant services

2. Resolution Determination

A. The method by which any crisis and/or critical incident is resolved is ultimately determined by the subject's behavior.

B. However, standards of acceptability require law enforcement/correctional agencies undertake all reasonable efforts to obtain a nonviolent resolution.

C. Negotiation defusing skills represent law enforcement's/correctional's most successful tool (96.97% resolved without injury to officer or bystander, 80.52% resolved without injury to victims, and 82.96% resolved without injury to subject per FBI's Hostage and Barricade Database System [here in referred to as HOBAS] April 2021)

D. Disengagement is the tactical decision to leave, delay contact, delay custody, or plan to contact barricaded subject or person in crisis at a later time and/or place. Disengagement as a strategy should adhere to a set of agency specific protocols and safety standards. (added 08/2021)

3. Crisis Negotiation: The Preferred Strategy

A. Generally, tactical resolution should be reserved for those instances in which the subject appears likely to engage in further violence despite negotiation efforts.

B. Due to the inherent danger to all parties in using force, it should be used only when it is necessary, risk effective, and acceptable.

4. Negotiation Capability

A. All law enforcement/correctional agencies should maintain a negotiation capability.

1. Smaller departments may require a mutual aid resource to call upon in crisis incidents.

B. Any department large enough to have a tactical team should have a negotiation team.

C. As with tactical teams (SWAT), negotiations are best undertaken in a team context.

D. Law enforcement/correctional agencies should identify and train a sufficient team of personnel in nationally recognized negotiation skills.

1. Negotiators should be required to maintain their skill levels through recurrent individual and team training.

2. As with SWAT, the negotiation team should be provided sufficient equipment and technical support to carry out their duties. Basic CNT equipment may include:

a. Throw phone capable of being introduced into a barricaded area

b. Cellular device capable of voice, data, text, and video

c. Public address system

d. An internet capable device with the ability to run social media applications.

5. Public Confidence and Liability

A. Society demands law enforcement / correctional agencies have a professional capability to resolve crisis incidents in the most risk effective manner (negotiations).

B. Civil liability is most likely to present a problem to any agency that cannot demonstrate it has access to trained negotiators, policies, procedures, and equipment for responding to crisis incidents.

6. Negotiation Team Composition

A. The staffing level for a negotiation team varies greatly from one department to another based on perceived or demonstrated need.

B. It is recommended a minimum of three trained negotiators respond to any crisis incident.

Roles which these responders may fill include but are not limited to:

1. Primary negotiator
2. Secondary/Negotiation coach
3. Team leader
4. Intelligence
5. Scribe
6. Situation boards
7. Tactical Liaison
8. Technical equipment officer
9. Mental health professional

C. More complex or difficult incidents may require additional trained negotiators working in shifts and filling a variety of team functions.

7. Mental Health Assistance

A. Negotiation teams should consider establishing a consultative relationship with a mental health professional(s)

B. To be an asset, selected mental health professionals should:

1. Serve as team adviser, not as a negotiator
2. Participate in negotiation team training
3. Respond to team call outs as requested
4. Focus on behavioral assessment of subject
5. Assist in team debriefings after a critical incident

8. Selecting Negotiation Team Members

A. Nationally, selection standards vary widely; however, consideration should be given to identifying individuals with the following skills/characteristics:

1. A volunteer
2. High level of self-control
3. Ability to remain calm under stress

4. Excellent interpersonal communication skills
5. Calm and confident demeanor
6. Good listener and interviewer
7. Works well in a team concept

9. Required Initial Training for Negotiators

A. It is recommended individuals selected to become negotiators receive training which includes:

1. A minimum of 40 hours in a qualified course
2. Training should include basic concepts and techniques, abnormal psychology, intelligence gathering, assessment, crisis/suicide intervention, active listening skills, case studies, meaningful role-playing drills, and an incident management overview

10. Recurrent Negotiation Training

A. As with all critical law enforcement / correctional skills, such as firearms, negotiators should periodically receive updated training and practice in order to maintain proficiency.

B. It is recommended negotiators annually attend a minimum of 40 hours of training in order to stay proficient.

C. Attending regional or national conferences, learning from case study presentations, and conducting joint training with tactical teams and other nearby negotiation teams is highly desirable.

11. Negotiation Team Organization

A. It is recommended each agency organize its negotiation team with the following in mind:

1. Identify a team leader responsible for operational assignments, team selection, training and equipment maintenance.
2. Develop a written policy for responding to crisis incidents and have a standard operation procedure (SOP)
3. Institute standard procedures for establishing and running a functional negotiation operations center (NOC)

12. Negotiation Team Role in the Command Structure

A. Regardless of the incident response system used, the negotiation team leader should be seen as a critical adviser and have direct access to the Incident Commander during an operation.

B. For balanced decision making, the negotiation team's input should be independent of, yet equal to, that of the tactical team.

1. This should be the case even if the negotiation team is administratively assigned as a sub-unit of the tactical team

13. Command Considerations

A. Past incidents have clearly demonstrated that due to their responsibilities for overall management of the incident, the OIC should refrain from functioning as the negotiator. (Commanders Don't Negotiate and Negotiators Don't Command)

B. Universally accepted negotiation procedures allow the negotiator to delay and "buy time" by indicating final decisions rest above him/her. The OIC cannot do that.

14. Negotiation Considerations and Recommended Approaches

A. 97% of all law enforcement / correctional incidents are emotionally driven with the subjects having no clear goal (HOBAS April 2021)

1. Experience suggests the subjects are in a "Crisis State."

2. The subject may not be able to cope with recent life stressors or significant loss (job, relationship, self-esteem, etc.).

B. Non-threatening, nonjudgmental communication to include active listening skills should be used with the goal of de-escalating and defusing the incident.

C. In most cases, the initial strategy should be to lower emotions and reduce tension at the scene.

D. Early contact between the subject and the negotiation team can serve as "verbal containment."

1. Helps to reduce tension and minimize misunderstanding

2. Should be considered, even if the tactical team has not yet arrived on scene

E. Perceived law enforcement / correctional encroachment may be counterproductive to establishing and maintaining meaningful dialogue. Despite peaceful intent, police actions will often be viewed as threatening by the subject and can promote further resistance.

1. When practical and risk effective, agencies should employ a low-profile response scheme for emotionally driven situations (97% HOBAS April 2021)

2. Traditional hostage incidents (2.84 % HOBAS April 2021) may benefit from a higher profile response scheme (contrast risks of resistance versus benefits of surrender)

F. Beware of the “Bunker Mentality.”

1. A majority of subjects encountered will be barricaded in a place of residence (78.6% HOBAS April 2021).

2. This is likely to evoke a strong defensive posture and resistance.

3. Tends to make the subject hyper vigilant and hypersensitive to perceived aggression.

G. Subjects will typically want police to "go away."

H. Incidents are typically unplanned and seemingly irrational (71.48% HOBAS April 2021).

I. Law enforcement / correctional investment in time tends to pay great dividends:

1. 54.63% of all incidents are resolved in 4 hours or less (HOBAS April 2021).

2. 90.37% of all incidents are resolved in 9 hours or less (HOBAS April 2021).

J. The passage of time (buying time) is typically the most important tool of the negotiation team by serving to:

1. Allow for the arrival of personnel and equipment

2. Facilitate the gathering of intelligence

3. Provide escape opportunities for victims

4. Assist in tactical intervention planning

5. Help lower tension and build rapport

6. Promote more rational thinking by the subject

K. The costs of patiently managing the crisis incident are significantly less than the costs associated with defending / settling a pending lawsuit.

15. Associated Risks and Outcomes

A. Violence is most likely to happen at the beginning of an incident or at the end if tactical intervention is required.

1. Officers, victims, and subjects face the biggest risk during a tactical intervention.

B. In 83.45% of incidents involving victims, a tactical rescue was not used (HOBAS April 2021).

C. In 99.33 % of the incidents there is no loss of life to officer or bystander, 95% there is no loss of life to victims, 94.15% there is no loss of life as a result of suicide, and 98.91% there is no loss of life to the subject (HOBAS April 2021).

16. Tactical Coordination

A. It is imperative the negotiation and tactical teams develop and maintain a close understanding and cooperative working relationship.

1. Significant problems can be avoided if these teams understand each-others' methods and sufficiently train together.

B. The delivery of items, release of victims, or surrender of subjects in the crisis site and forward deployment of negotiators require close coordination between negotiation and tactical teams. Joint training between the tactical and negotiation elements should reinforce this coordination.

17. Relationship with Command

A. It is important for on scene commanders to be familiar with and understand essential negotiation concepts and philosophies.

B. Commanders should foster a balanced decision-making process, seeking input from and simultaneously meeting with both the negotiation and tactical team leaders.

C. This "Command Triad" should openly discuss alternatives and seek consensus whenever possible.

18. Media Relations

A. The Public Information Officer (PIO) should establish a media briefing area.

B. The Media should be routinely briefed, and their cooperation sought.

C. Only the PIO and OIC should make press statements.

1. The PIO and OIC should avoid exposing/identifying tactics and/or tactical and negotiation personnel.

2. Media statements during an incident should be reviewed by the negotiation team prior to release.

3. Media statements may be utilized as a valuable negotiation tool.

19. Post Incident Debrief and Review

A. It is recommended agencies conduct timely reviews of each incident to:

1. Identify problem areas and solutions
2. Identify positive actions for future replication

B. Address misunderstandings and correct misperceptions to minimize negative influences on all personnel.

20. Critical Incident Stress Management

A. If the incident warrants, a critical stress intervention should take place as soon as possible for all personnel.

B. Continuous support should be provided by the agency as necessary.

21. Additional Guidance

A. The NCNA's Recommended Negotiation Guidelines and Policies are not intended to be all encompassing or address all aspects of negotiation team operations.

B. Each agency should have a written SOP addressing their specific issues and concerns in accordance with their mission and responsibilities.

C. Policies for many issues (i.e., the use of listening devices) may be dictated by state or local laws.

*These guidelines are not intended to supersede individual department policies and procedures.

THESE GUIDELINES WERE RATIFIED BY THE NCNA MEMBER ASSOCIATIONS
EFFECTIVE 10/4/2001.

THESE GUIDELINES WERE AMENDED AND APPROVED ON (NOVEMBER 8, 2018) AT
THE ANNUAL MEETING OF THE NATIONAL COUNCIL OF NEGOTIATION
ASSOCIATIONS. *HOBAS STATS UPDATED APRIL 2021

Last Updated on 10/21/21