

# COMMANDING AND CONTROLLING CRITICAL INCIDENTS

## Maintaining the "*Triad*" ...A Crisis Negotiator's Perspective

by

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### THE TASK

As an incident commander, there is not a greater sense of burden than to drive up on the chaotic scene of a hostage-taking knowing that "you're it." You have the responsibility for the outcome of all that you see before you. Making sense out of this chaos and shaping it all into a working, problem-solving machine is **your** task and it doesn't make it any easier to be reminded that you are the direct representative of your agency's chief executive. What may ease the burden, however, is the knowledge that there are resources that are immediately available to you which can provide you with assistance in preparing a problem-solving strategy and to provide you with informed advice until the conclusion of the operation.

### THE BASIC ORGANIZATION OF THE CRITICAL INCIDENT TEAM

Despite the labels that law enforcement agencies have assigned to elements of their critical incident teams, they all fall into what might be termed a *triad* (a term coined by this author in an earlier article). The *triad* consists of an incident commander and two subordinate elements, the tactical team and the critical incident negotiations team. By virtue of the incident commander's authority, responsibility and accountability, he or she is in the central leadership position and has therefore been empowered to command the incident. Because of this, the two specialized teams of critical incident negotiators and tactical team members, must know, understand and appreciate the reason for their subordinated status.

### THE MISSION OF THE INCIDENT COMMANDER

Incident commanders (ICs) are charged with one essential mission, to direct the human and material resources of a law enforcement agency so as to bring about

a safe conclusion to a violent or life-threatening incident. The IC is responsible for the deployment of forces, the interaction of those forces, as well as any casualties or damage which may result. It is the IC who must ensure that the integrity of the triad is maintained at all times.

### FAILURE OF THE TRIAD COULD RESULT IN FAILURE OF THE MISSION

Incidents can go awry, some with disastrous consequences, when the incident commander has been bypassed or subordinated by any of the other two elements. A similar outcome can be realized when any one of the subordinated teams influences the incident commander to take a course of action that was not warranted or that compromises the efforts of the other team.

### PREVENTABLE MISTAKES BY THE INCIDENT COMMANDER

It is expected that the decisions of an incident commander are based upon the selection of the best course of action from an array of well-thought-out alternatives. It is likely that those alternatives were provided by on-scene experts from the crisis negotiation team and the tactical team. It is also expected that the incident commander utilize reason and not allow anger, revenge or any other emotion to enter into the equation--even if there have been law enforcement casualties. Should the outcome be a negative one, rest assured, the incident commander will be called upon to account for it. Sanctions an incident commander might face could include adverse administrative action, civil litigation, harsh media coverage or even a criminal action for civil rights violations.

An incident commander attempting to force or expedite the outcome of an incident by imposing an arbitrary deadline or ultimatum can force a hostage taker into taking out his desperation out on the hostages. This can occur in a situation where negotiations with a hostage-taker may have been progressing slowly but satisfactorily. Similarly, an incident commander who, contrary to the basic rules of hostage negotiations, allows the hostage-taker's spouse, friends, relatives, or any other "untested" third parties to converse with him prior to that person being properly debriefed by a trained negotiator, may be setting the stage for disaster. Many of the "preventable" mistakes made by incident commanders can be eliminated when the IC avails him or herself of the informed advice of experienced on-scene crisis negotiators.

## PREVENTABLE MISTAKES BY SPECIALIZED TEAMS

Mistakes can also occur *laterally*, within the triad, when one of the subordinate elements acts **independent** of the other. A tactical team employing "pressure tactics" on a hostage taker to expedite the outcome can undermine the efforts of the hostage negotiator whose function it is to establish and maintain credibility with that person and to develop a working dialogue.

In turn, a hostage negotiator, believing to be acting in good faith, may inadvertently convey information to a hostage-taker which may provide that person with a tactical advantage over those responsible for the physical security and containment of the of the hostage taker..

## THE ABSOLUTE NEED FOR CENTRALIZED CONTROL

Actions taken by either team, without the knowledge of the other, can have the net effect of undermining or frustrating the purpose of their counterpart **and could have fatal results**. The IC must see to it that the actions taken by any specialized team compliments, not hinders, the efforts of other. In turn, it is in the best interest of the IC to consider the informed advice of experienced negotiators and tactical team members and to discuss the ramifications of a particular course of action prior to rendering a decision of major consequence.

There is an **absolute necessity** for the IC to be aware of all that occurs within the context of the incident. **As a matter of policy**, the IC must know, control, coordinate and approve any and all actions to be taken or proposed by any of the specialized teams. This is to ensure that **no conflicts occur**. This is the essence and purpose of the triad.

## CRITICAL JUNCTURES

Critical junctures in a crisis negotiation are significant occurrences arising out of the ongoing negotiations with the subject such as the initial contact, demands, discussion of suicide, surrender, etc. It is essential that all critical junctures, whether actual or anticipated, be made known to the incident commander. Plans can then be made to encompass any worse-case scenario.

## COMMUNICATION

Communication is what makes the triad work. Items requiring immediate communication, in addition to all critical junctures in the negotiations with the subject, are any other occurrences which would materially affect the operation. Law enforcement personnel, such as "first responders" who are involved in the operation but are "outside of the triad," sometimes fail to communicate critical information to the command post. In some cases relatives or acquaintances of a hostage-taker possessing valuable intelligence information are kept waiting on the outside perimeter until the completion of the operation with no one availing themselves of information they might possess. This lost or unused intelligence information can equate to unnecessarily prolonged operations. For this reason, all personnel taking part in the operation must be encouraged to communicate with the IC when the need arises and to know, by virtue of their training, what must be communicated. This points out the need *first responders training*.

## ACKNOWLEDGEMENTS OF COMMUNICATIONS

**Of equal importance** to any communication is a clear and timely acknowledgement. Without an acknowledgement there is no "closure" to the communication and it cannot be assumed that it was ever received. **On items of an extreme importance, a "read-back" of the communication is in order.** An example of such an event would be a radio communication from the command post to a distant police sniper that a hostage-taker has made a last-minute change in plans and is exiting the building holding a small child as a shield. In less-than-adequate light conditions, failure to make clear such a communication could have tragic consequences. Such last-minute changes can have impact on the rules of engagement.

## THE ROLE AND FUNCTION OF LIAISONS

In an ideal setting, the IC, the critical incident negotiator and the tactical team leader would be co-located. But there are times when this cannot be accomplished and there have in fact been incidents which have been successfully concluded even though elements of the triad have been separated. To make these separations successful, however, efforts must be made to establish effective lines of communication within the triad by utilizing liaison persons.

When there is need for the triad to be separated, liaison persons must be assigned whose sole function it is to represent and communicate for one of the triad elements. Although this may appear labor-intensive and tedious, it brings a sense of assurance to each element of the triad to know that essential information can be communicated when the need arises.

## THE EVER-PRESENT MEDIA

In a nation where the "right to know" is valued and protected by law, it is important that law enforcement personnel understand and appreciate the existence of the media. The media will operate either in cooperation with law enforcement or despite them. It is preferable that the relationship be a cooperative one. To the extent possible, the media should even be accommodated. A media relations person should be assigned to initiate updates the critical incident develops. Once provided with legitimate updates, press persons are less likely to "strike out on their own" in an attempt to cover the incident causing a possible disruption or even compromising the operation. A number of incidents have occurred wherein hostage takers or barricaded subjects could see the deployment of forces against them on TV but there have also been instances where law enforcement agencies and the media have made arrangements to each other's mutual benefit.

Hostage takings, barricaded subjects and spectacular suicide scenarios are high-profile activities and are prime media events. Media coverage of such events is a fact of life. Members of critical incident teams must always be mindful of the fact that critical incidents are viewed closely by the news media. Telescopic lenses and sophisticated long-range microphones are frequently used by various media organizations allowing them to hear and see more than might be expected. Mistakes made by law enforcement personnel in terms of their tactics and even their demeanor may therefore have the potential of being viewed, recorded and disseminated immediately to the public.

## MAINTAINING PERSPECTIVE

With all the distraction that can occur at the scene of a hostage-taking or barricaded subject, the IC must maintain a "big picture" perspective. Some of the distractions encountered by the IC may be legitimate concerns of support personnel at the scene or even media inquiries. Because of these distractions, the IC will find it necessary to delegate these tasks to other individuals leaving the IC to

concentrate on the larger issues at hand. The crisis negotiators and tactical team members on the other hand, while still maintaining a "big picture" perspective, must also concern themselves with performing their specialized functions. At a minimum, the incident commander should assign individuals to accomplish the following tasks: operations, logistics, intelligence and press relations.

### THE ISSUE OF THE "TRANSIENT NATURE" OF THE INCIDENT COMMANDER

It is a fact of life in most law enforcement agencies that the incident commander, the person charged with the most authority, responsibility and accountability, also happens to be the most "transient" of the three positions in the triad. This may also mean that the IC may have the least amount of experience in dealing with critical incidents. More likely than not, every critical incident that occurs within a given jurisdiction will be handled by a different incident commander. Hostage-takings and barricaded subject incidents are relatively rare occurrences to many law enforcement agencies. In most cases, the command of a critical incident is usually only one of many ancillary duties taken on by an individual who may be the current administrative commander of a larger unit within the agency.

It is understandable and even expected therefore that incident commanders have relatively little exposure to operations in the field as compared to other members of the triad. Moreover, some ICs have come from the ranks of newly promoted personnel as well as those individuals who have returned from lengthy administrative assignments elsewhere in their agency. Such assignments may have kept these individuals somewhat "insulated" from operations in the field.

### THE ASSIGNMENT OF "SPECIALIZED" INCIDENT COMMANDERS??

An alternative to assigning incident commanders from the general pool of regular on-duty administrative commanders is to establish a "cadre" of specially trained individuals whose primary function it is to command critical incidents. But this may not be economically feasible for small and medium sized agencies whose budgets may consider such a specialized staffing "extravagant." Federal agencies and larger municipal and county law enforcement agencies are in a better position to pursue this option.

NEGOTIATORS AND TACTICAL  
TEAM MEMBERS  
AS ADVISORS TO THE INCIDENT COMMANDER

Cooperation, not competition, is the essence of the relationship within the critical incident triad. Members of critical incident negotiations teams and tactical teams are called out each time a critical incident occurs and will for that reason have the most exposure to them. Both teams have had the benefit of lengthy training in their respective disciplines as well as a significant amount of practical experience in the field. In all likelihood, the two teams have even trained together. This exemplifies the necessity for these more permanent members of the triad to be advisors and facilitators to the IC. In turn, the IC should view this as an indispensable resource and members of both teams should understand that they have a "secondary role" as advisors and facilitators to the IC both at the planning stage and throughout the incident.

NO TIME FOR *ADVOCACY*

Members of specialized teams must not be mere advocates for a single approach to resolving a critical incident which favors the use of their own team. Rather, they must be sufficiently aware of the function of their counterpart so as to know what strategy best fits the current situation. Either of the specialized teams must be ready, willing, and able to advise to the IC on the best means of resolving the critical incident at hand even if that advice favors the employment of the other team. In short, the problem of resolving a critical incident becomes the work of a closely knit team with the understanding that any interim or final decisions are to be made by the IC.

NEGOTIATION IS THE *PREFERRED* MEANS  
OF CRITICAL INCIDENT RESOLUTION

It is well known that the modern law enforcement outlook on the use of force is to employ only that degree of force necessary to resolve a situation. This has shaped the way critical incidents are handled and has **avored negotiated outcomes over tactical resolutions**. Many law enforcement agencies, utilizing trained critical incident negotiators, have been given credit for resolving even the most dangerous and life-threatening of incidents without firing a shot. This has

become the rule rather than the exception across the nation.

### THE "GOOD FAITH" APPLICATION OF CRITICAL INCIDENT NEGOTIATION

When the IC has selected negotiation as a problem-solving strategy, that negotiation should be done as "purely" as possible at the outset. This means that initial negotiations should not be done in conjunction with pressure tactics or harassment-type activities in the nature of psychological warfare. Psychological warfare, a military battlefield tactic, utilizes, among other things, amplified music or other sounds, to attempt to demoralize opposing forces thereby causing them to lose the will to fight.

The incident commander should be aware that an experienced critical incident negotiator will first need to establish credibility with the hostage-taker or barricaded subject as a precursor to establishing a functional dialogue. Pressure tactics are counterproductive to this end. This does not mean that pressure tactics cannot be "woven" into the strategy if "pure" negotiation has proven not to be fruitful. It is far easier to resort to pressure tactics than it is to "back off" from them.

### THE PASSAGE OF TIME USUALLY FAVORS LAW ENFORCEMENT

ICs should understand and appreciate that it takes time to establish credibility and a working dialogue with an emotional subject. The passage of time is usually favors law enforcement. Over time, hostage takers, barricaded subjects and suicidal subjects have a diminished commitment to their cause. The reward to the IC for granting the necessary time is usually a resolution to the problem without the application of force.

### A NEGOTIATED OUTCOME ALWAYS FAVORS LAW ENFORCEMENT

It is in the best interest of the IC, who is responsible for the totality of the incident, to achieve a negotiated disposition to a critical incident. The premature



employment of the tactical team, without having fully employed critical incident negotiators, may quickly achieve the desired result of neutralizing the threat but may have a severe "down side" in the form of unnecessary casualties to officers or citizens as well as collateral damage which may subject the IC's agency to unnecessary legal liability and even media criticism. It may further give the appearance that excessive force was used to resolve a situation which could have been better handled by employing trained critical incident negotiators.

### THE POSITIVE ASPECTS OF A NEGOTIATED OUTCOME

Where critical incidents have been settled by means of negotiation, civil liability has been minimized and in some cases even eliminated. Moreover, the benefit to law enforcement is the fact it has added a more humane and professional dimension to a law enforcement agency's handling of incidents which threaten the public good. All of these reasons have contributed to the fact that law enforcement agencies at the federal, state and local levels have invested time, effort and funds to establish, maintain and train critical incident negotiations teams.

### THE INDISPENSABLE NATURE OF TACTICAL TEAMS

The existence of critical incident negotiations teams has not lessened the role of their counterpart. The presence of the tactical team is indispensable in:

- containing the incident,
- maintaining inner perimeter security,
- providing the IC with informed advice in the planning stage of the incident and continuing in that capacity until the operation is concluded,
- reaffirming the "rules of engagement" with the IC in the event the incident develops into a worse-case scenario,
- providing "real time" intelligence from various "close-in" vantage points either by direct observation or by virtue of having employed sophisticated listening devices or cameras,

- operating as an "interface" unit in the event deliveries of items need to be made with a hostage-taker or barricaded subject,
- operating special weaponry (lethal and less-than-lethal),
- providing sniper coverage,
- operating as a "dynamic entry" force,
- operating as a hostage rescue team in the event of a worse-case scenario and finally,
- functioning as a "capture" team in the surrender phase of the incident.

The bottom line with regard to tactical teams is that their existence and deployment is a significant factor in the safe resolution of hostage and barricaded subject situations. Most subjects who realize and understand the awesome tactical capabilities of the tactical team choose to talk to a crisis negotiator rather than to face that alternative reality.

## CONCLUSION

The best resource that an incident commander could have to handle a hostage-taking or barricaded subject has always been present but has not always been utilized to its potential. That resource is the experienced critical incident negotiators and tactical team members who are the more permanent members of the critical incident team. All too often, law enforcement agencies have had to "re-invent the wheel" each and every time a life-threatening incident has occurred within their area of responsibility. But with the intelligent and planned use of an agency's human resources, successful conclusions to serious life-threatening incidents can be the rule rather than the exception. **This is a law enforcement agency's best insurance against mistakes generated by their own personnel.** Although nothing can guarantee the outcome, contributing to a bad outcome can certainly be minimized.

There is an expectation on the part of the public that the law enforcement

officials they employ are capable of handling crisis events such as hostage-takings or barricaded subjects in a professional manner while only employing that degree of force necessary to resolve the crisis. Public respect of law enforcement is earned by showing that life-threatening incidents can be handled in a humane and professional manner. Maintaining the integrity of the critical incident *triad* will provide the control and discipline necessary to fulfill that public expectation and the professionalism necessary to earn that public respect.