

The Analysis of Police Crisis Negotiations: Important Interactional Features

Terry Royce

In recent years understandings of the interactional features of police crisis negotiations have developed through approaches which have built on and developed the precursor bargaining and expressive models of crisis negotiations. This paper draws upon this more interactional interpretation of police crisis negotiations by highlighting and discussing their main features: the use of active listening to build rapport with a person of interest (POI), the discourse staging of the negotiation (critical moments), and the role that features of the context before and during the incident can play in the language choices made by the negotiator in interaction with the POI. These interactional features are illustrated via extracts from a police crisis negotiation in Australia, and suggestions for further research are provided.

Keywords: negotiation, negotiators, crisis negotiation, police, active listening, forensic linguistics, interaction, critical moments

1 Introduction

The hostage crisis at the 1972 Munich Olympic Games culminated in the deaths of eleven Israeli athletes and coaches, one West German police officer, and eight members of the Black September terrorist group. This was an event that stunned the world, not the least because local media outlets broadcast the actions of the German police live; the kidnappers were thus able to watch the police as they prepared their tactical response, and the world was presented with the iconic images of kidnappers leaning over balconies to look at the police taking up positions. Since that crisis and subsequent critical and political

International Journal of Law, Language & Discourse, 2012, 2(3), 1-24

© IJLLD

evaluations, law enforcement agencies and professionals have increasingly been pressured to use negotiation as the most appropriate alternative to the use of tactical assault to resolve terrorist, hostage, barricade [siege] and suicide situations (Rogan, Hammer, & Van Zandt, 1997).

The term typically used in the literature and police training manuals in this area is that of 'crisis negotiations'. A 'crisis' is deemed to occur when a subject is unable to cope with a life situation or to utilise familiar problem-solving methods; typically the person experiences a cycle of escalating tension, associated with a range of increasingly intense feelings where there may be shifts from fear to panic, from anger to rage, and the development of increasingly confused thinking (McMains & Mullins, 2001, p. 68). An individual experiencing this kind of emotional excitation can be considered to be 'in crisis', and when the situation escalates to the point where police intervention is required, and where there is a need to de-escalate the crisis, crisis negotiation methods are typically utilised.

Initial classifications of negotiation dynamics by early scholars in this area have identified two main approaches to modelling crisis negotiation, one characterized as the *instrumental* approach, and the other as the *expressive acts* approach (Rogan, Hammer, & Van Zandt, 1997). The instrumental approach derives from social exchange theory and "conceptualizes crisis negotiations in terms of instrumental issues present during negotiation". The orientation of the behaviours of the subjects or the negotiators in this "bargaining" approach is thus towards some kind of substantive instrumental outcome and it essentially views negotiation as "agreement-making through bargaining or problem-solving, typically via *quid pro quo*" (Rogan, Hammer, & Van Zandt, 1997, p. 11). The way this approach works out in practice is that in the interchange between the parties, there are expressed goals that they hope to meet, and an understanding that neither side can meet those goals without some kind of balancing between rewards and costs, a *quid pro quo* or tradeoff, where the goal is to maximize returns (rewards) and to minimize what must be given up (costs).

The expressive negotiation approach has its derivation in psychotherapy (see discussions of the 'Stockholm Syndrome' in Schlossberg, 1979), which presumes that "the nature and quality of

interpersonal relationships plays a large role in resolving conflict” (Rogan, Hammer, & Van Zandt, 1997, p. 12). This approach views emotion and relationship variables as the central elements, so relationship development, developing rapport, and building trust are accepted as being crucial to resolving crisis incidents. In typical negotiator training contexts the emphasis is thus placed on [active] “listening, paraphrasing, self-disclosure, open-ended questioning, and specific skills for reducing the perpetrator’s anxiety level” (Rogan, Hammer, & Van Zandt, 1997, p. 13). The establishing, building and maintaining of rapport is important in other policing contexts besides crisis negotiation: it is especially emphasized in police investigative interviewing, as well as in interrogation contexts. The discussion of active listening which follows below explains and illustrates the ways that rapport can be established, and the role it can play in a crisis negotiation.

More recently, a third approach emphasises communicational aspects in negotiations (Rogan, Hammer, & Van Zandt, 1997): this approach assumes that all communication, in line with basic communication theory, has *both* a content and a relational dimension, the former relating to the instrumental focus of communication, and the latter to its expressive features (which is further broken down into relational and identity information). In this interpretation of crisis negotiation “parties to conflict interaction pursue three functional interactional concerns which impact on conflict escalation/de-escalation – these are instrumental, relational, and identity or face goals” (Rogan, Hammer, & Van Zandt, 1997, pp. 14-15). This approach has been further developed into the S.A.F.E. model, which proposes that there are 4 "*triggers*" working as predominant "*frames*" for communicative interaction as a crisis incident unfolds (Hammer, 2008). These can be summarised as:

- **Substantive Demands:** instrumental wants/demands made by subject & negotiator
- **Attunement:** the relational trust established between the parties
- **Face:** the self image of each of the parties that is threatened or honored
- **Emotion:** the degree of emotional distress experienced by the parties

Given the context of this developing interactional interpretation of police crisis negotiation dynamics, this paper highlights and discusses the main interactional features that are typically emphasized in both police training modules and in the published literature. The features discussed cover the use of active listening to build rapport in the interaction, aspects of the discourse staging of the negotiation (often referred to as critical moments), and the role that features of the context before and during the incident can play in the language choices made by the negotiator. The discussion of these interactional features will be illustrated via extracts from a case study of a police crisis negotiation in Australia.

2 Active Listening

Active listening as an interpersonal skill is taught and utilized in a wide range of contexts, and the way it is defined depends on how and why it is used. Generally however, it deals with empathizing and listening constructively, with a focus on developing and showing an understanding of another's feelings (Cambria et. al., 2002, p. 339). It is used in a range of contexts: in dispute/conflict resolution and mediation (Potter, 1995), in marital, religious, self-help, parenting and even educational counseling or advice (Charles, 2007; *Active listening skills*, 2012), in journalism, sales and management (Romano, 2002), and in suicide prevention (*Listening Skills: A powerful key to successful negotiating*, 2000). An alternative characterisation is “empathetic listening”, which according to Pickering (1986) can be interpreted in terms of the desire to be other-directed and non-defensive, to imagine the roles, perspectives, or experiences of the other person, and to listen to understand rather than trying to achieve agreement or produce some kind of change in the other person.

Active listening in the literature for crisis negotiators however is generally defined as “the ability to see a circumstance from another’s perspective and to let the other person know that the negotiator understands his [or her] perspective” (Lanceley, 1999, p. 17). Two of the most prominent of the major classifications are those by Noesner & Webster (1997) in their work on specific verbal skills in the FBI Law Enforcement Bulletin, and McMains & Mullins’ (2001) generalised

groupings (which subsume the verbal skills developed by Noesner & Webster). These classifications are listed in Table 1 below.

Noesner & Webster verbal skills (1997 FBI Law Enforcement Bulletin)	
Labelling	<u>emotion labelling</u> (<i>you sound..., I hear...</i>)
Silence/pausing	the use of <u>silence/pausing</u> to encourage a subject to talk
Back-channelling	the use of <u>back-channelling</u> or minimal encouragers (OK, <i>oh..., I see..., really?</i>)
'I' Messages	the use of <u>'I' messages</u> or first person singular by the negotiator (I know that ...; <i>I feel.. xx .. when you ...</i>)
Questions	<u>open-ended questions</u> which do not encourage yes/no answers (<i>how, when, what, where, why, who ... etc.</i>)
McMains & Mullins groupings (2001)	
Paraphrasing	a response in which the negotiator gives the subject the essence of his message in the negotiator's words
Reflecting feelings	a response in which the negotiator mirrors back to the subject the emotions the subject is communicating (mirroring)
Reflecting meaning	a response in which negotiators let the subject know they understand the facts and the feelings the subject is communicating
Summative reflections	a response in which the negotiator summarises the main facts and feelings that the subject has expressed over a relatively long period

Table 1: Classifications of Active Listening

The New South Wales Police Service in Australia (which is the context of the case study of police crisis negotiation used in this paper) takes a more verbal skills approach to the use of active listening in the professional development training workshops it offers to its serving police negotiators. These approximate most of the FBI's listings, with a

couple of psychologically derived terms (association, interpreting) included. These may be summarised as:

- **Attending** (being physically or vocally there for a subject)
- **Paraphrasing** (statements which exactly/closely mirror the subject's words)
- **Reflection** (helps the subject understand that negotiator understands his/her feelings)
- **Summarising** (clarifies the subject's meanings & shows the negotiator is listening)
- **Association** (building rapport through sharing feelings, attitudes, opinions etc.)
- **Probing** (open-ended questions to get subject to express more ideas)
- **Interpreting** (drawing upon ideas expressed and re-framing them for the subject)
- **Confrontation** (using questions/statements to clarify avoided feelings or states)

The case study of a police crisis negotiation that is commonly used in workshops for professional development purposes by the New South Wales (NSW) Police Service in Australia is an effective illustrative exemplar of the ways that active listening can be used in a negotiation (for full analyses see Royce, 2005; 2009). The incident, referred to internally by the NSW Police and in subsequent press reports as *Operation Terrall* (The Sun-Herald, 2001; Daily Liberal, 2002), involved NSW police negotiators tasked with the serving of a "high-risk warrant" on a "person of interest" (POI) who is known to be armed, is expected to resist, and has demonstrated that he is a serious danger to other people (McMains & Mullins, 2001, pp. 39-40). The subject of this warrant lives on a farm in rural NSW and was alleged to be regularly entering a nearby town carrying loaded weapons and wearing a live, home-made body-bomb, apparently for self-protection against perceived threats.

A more detailed analysis of this incident published in Harvard University's Negotiation Journal (Royce, 2005) revealed the use of a majority of the identified verbal skills that have been outlined by Noesner & Webster (1997) in their FBI report:

- the interactional use of 'I' messages or first person singular by the negotiator
- the use of mirroring, where he repeats the last words/ phrases or main idea
- the use of tag questions and eliciting statements which are used to draw out some appreciation or acknowledgment of other people's feelings and positions.
- reflective empathizers, which ellipsis the meanings expressed and operate to maintain the interactional exchange at a discursal level (a verbal skill not included by Noesner & Webster 1997, but introduced by Royce, 2005).

A sampling and brief discussion of these elements is provided in the following.

2.1 The interactional use of 'I' messages

In active listening for crisis incidents, the usage of *'I' messages* is usually discussed in terms of a negotiator expressing his feelings about the POI's actions so the sense that he/she is a real person with feelings is projected. However, in the initial exchange and as the text below shows, the negotiator does in fact use 'I' messages, but not simply to express his feelings about what has been said. What is interesting interactionally is the shift that occurs in the usage of a range of referential forms, the reasons why, and the effect these choices have on the exchange as it unfolds.

POI: *Hello?*

Neg: *Hello, "POI".*

POI: *Who's this?*

Neg: *Yes, my name's John, "POI". I'm a police negotiator.*

POI: *Oh, yeah.*

Neg: *We know you've been going into town with a bomb and there's a lot of people very worried about that. O.K. That's why we're here, because we know you've got guns and we know that you've got a bomb.*

POI: *Well that's only if I was attacked.*

Neg: *I understand what you mean, but no-one wanted to attack you, no-one wants to go near you, they're frightened, very worried about the bomb. You can understand that, can't you?*

- POI: *Yes, but it's absolute safe when I've got it.*
- Neg: *Yes, look I know what you're saying and I know you have been into town and I know no-one's been injured.*
- POI: *No-one will be either unless you decide to declare war on me.*
- Neg: *No, we don't want to declare war on you, not at all, not at all, but I do need you to take off the bomb and to leave the guns on the roadway there.*
- POI: *Well certainly I'm going to keep my weapons, I've had them for most of my life.*
- Neg: *I know that, I know that, but police have to make sure that the bomb is disarmed.*
- POI: *Yes.*
- Neg: *And they can't let you go with the weapons, they are going to have to take the weapons from you now. You are under arrest, O.K.?*
- POI: *Now listen, this is absolutely bloody ridiculous.*
- Neg: *I know from your perspective it may seem ridiculous, but the people in town are very worried about it and the police are obligated to act, as you can understand.*
- ~~~~~
- Neg: *Now there's no problem, you're safe if you stay where you are, but you won't be safe if you leave that spot.*
- POI: *The police - - -*
- Neg: *Now just listen to me for one second please, "POI". The police can't let you get near them because of that bomb.*
- POI: *I don't intend to get near them, dear or dear, I'll go back home.*
- Neg: *No, you can't go home "POI".*
- POI: *What are you gunna do, shoot me in the back?*
- Neg: *You can't leave that area, there's police all around you, there's police back down the road towards your house. If you look down the road you'll see a saracen.*
- POI: *Down the, which way?*
- Neg: *The way you've come, you can't go back that way.*
- POI: *This is amazing.*
- Neg: *O.K.*
- POI: *Rightio, well what are you going to do?*

The negotiator starts the exchange by identifying himself and his relationship to the NSW Police; however he immediately chooses a referential first person plural ‘*we*’, which aligns himself with the other interactants in the situation (the police tactical and bomb disposal teams present, the townspeople). The POI immediately personalizes through his choice of first person singular ‘*I*’, but in order to establish initial rapport and to distance himself from these ‘others’, the negotiator shifts to first person singular “*I*” and the non-assertive “*no-one*” to make a generalised claim about the people’s intentions. There is also a first usage, which acts to create some distancing, of a referral to the previously identified ‘others’, through the third person plural and verbal contraction “*they’re*”.

The ensuing and multiple use of ‘*I know*’ in response to the POI’s direct challenges on safety are also instances of ‘*I*’ messages for rapport-building. And although the negotiator still must ensure that the POI still sees him, at some level, as a figure associated with the police via a brief usage of the inclusive first person plural “*we*”, he quickly chooses the more intimate first person singular to project the idea that the POI will be dealing with him, and not those ‘others’, whom he also refers to as ‘*police*’ and later as ‘*the police*’. These choices are deliberate and necessary for the POI to be able to start aligning himself with the negotiator, to feel some sense of rapport (O’Reilly, 2003). This attempt at relationship building is further reinforced through the use of the third person plural pronominal “*they*” for the tactical team and the noun phrase “*the people in town*” in the following choices.

This facilitates the next series of exchanges in the negotiation, where the negotiator starts to firmly take on the role of the ‘rescuer’, but where the POI’s developing realization that he is in a predicament, that he is boxed in by the police leads to some agitation. At this point the negotiator cuts him off with an imperative, but continues to refer to ‘*the police*’ and ‘*them*’ in order to maintain the sense of separation and the idea that it is these “others” who are constraining the POI, not the negotiator. His reference to the ‘Saracen’ adds further to the sense of the ‘otherness’ for the POI, and is a deliberate choice of words by the negotiator because he knows that the POI would be impressed by the machine and the tactics used, a point discussed in terms of context-driven choices later in this paper (O’Reilly, 2003). The POI confirms

this perception of being constrained by the ‘others’ and signals the start of his acquiescence and a change in attitude by expressing his amazement; this is further confirmed by the next comment when he asks what the negotiator intends to do next, not the police. In doing this, the POI has assigned the negotiator agency in the situation.

The interactional sub-text in these choices by the negotiator is that ‘they’ can do these things, that these “others” are frightened and worried, but “I” [the negotiator] am here to help “you” [the POI] get out of this predicament. In doing this, the negotiator distances himself from an association with the potential actions of the ‘others’, and starts to set himself up as the ‘rescuer’. He is in a sense identifying with the plight of the POI and projects the message that he wants to work with him to help him save himself.

2.2 The use of mirroring

The negotiator also makes use of *mirroring*, where he repeats the last words/ phrases or main idea provided by the POI to mirror back to him the ideas or feelings that he has stated, to let him know that what is being stated is being listened to (though not necessarily accepted), and that he is being understood.

POI: *Well that's only if I was attacked.*

Neg: *I understand what you mean, but no-one wanted to attack you, no-one wants to go near you, they're frightened, very worried about the bomb. You can understand that, can't you?*

POI: *No-one will be either unless you decide to declare war on me.*

Neg: *No, we don't want to declare war on you, not at all, not at all, but I do need you to take off the bomb and to leave the guns on the roadway there.*

POI: *Now listen, this is absolutely bloody ridiculous.*

Neg: *I know from your perspective it may seem ridiculous, but the people in town are very worried about it and the police are obligated to act, as you can understand.*

Here we have various instances where the negotiator reflects back what the POI has stated. These are where the negotiator is mirroring to negate and reassure the POI regarding his fear of attack, or his perception of a threat of declaration of war by police. The negotiator is

also mirroring in order to reflect the POI's feelings/emotions about the fact that he is under arrest and cannot keep his weapons.

2.3 The use of tag questions and eliciting statements

Tag questions and *eliciting statements* are used to draw out some appreciation or acknowledgment of other people's feelings and positions, thus further reinforcing other rapport-building choices.

POI: *Well that's only if I was attacked.*

Neg: *I understand what you mean, but no-one wanted to attack you, no-one wants to go near you, they're frightened, very worried about the bomb. You can understand that, can't you?*

POI: *Yes.*

Neg: *And they can't let you go with the weapons, they are going to have to take the weapons from you now. You are under arrest, O.K.?*

POI: *Now listen, this is absolutely bloody ridiculous.*

Neg: *I know from your perspective it may seem ridiculous, but the people in town are very worried about it and the police are obligated to act, as you can understand.*

Here the exchange reveals that the negotiator is using a tag question to obtain an acknowledgment or some kind of verbal or emotive response from the POI about the townspeople's fears, and a tag question to elicit some kind of understanding from the POI that he is under arrest – this of course produces a rather emotive response from the POI, which the negotiator responds to with the eliciting statement designed to convey the police's obligation to act to protect the townspeople from their perceptions of the danger that the POI's weapons pose.

2.4 The use of reflective empathizers

What is interesting from the analysis of this incident however, is the consistent and effective usage, throughout the entire negotiation of what Royce (2005) refers to as *reflective empathizers*, an interactional technique which has not really been covered in the literature on active listening in crisis situations. This interactional technique does not reflect back the propositional content of the POI's utterances through repetition or synonymizing (which is what *mirroring* is basically described as

doing), but ellipses the meanings expressed and works to maintain the interactional exchange at a discursive level.

POI: *Well that's only if I was attacked.*

Neg: *I understand what you mean, but no-one wanted to attack you, no-one wants to go near you, they're frightened, very worried about the bomb. You can understand that, can't you?*

POI: *Yes, but it's absolute safe when I've got it.*

Neg: *Yes, look I know what you're saying and I know you have been into town and I know no-one's been injured.*

POI: *Well certainly I'm going to keep my weapons, I've had them for most of my life.*

Neg: *I know that, I know that, but police have to make sure that the bomb is disarmed.*

POI: *Now listen, this is absolutely bloody ridiculous.*

Neg: *I know from your perspective it may seem ridiculous, but the people in town are very worried about it and the police are obligated to act, as you can understand.*

Reflective empathizers are used for maintaining the interactional flow for rapport building purposes (by acknowledging the focus of previously given messages), and assume as understood (or ellipse) the meanings expressed, in order to maintain the interactional exchange. In this extract there is an ellipsis of the knowledge that the POI loves his weapons and has had them most of his life, followed by an expressed empathy with what the POI is going through in the situation he now finds himself.

3 Discourse: the stages in crisis negotiations

It can be assumed that all communication, no matter what the context or whether the mode is written or spoken, can be interpreted in terms of an understanding that it unfolds through time, and is generally organised into recognizable stages. The interaction between a negotiator and a POI in a critical incident can also be interpreted as unfolding in stages, and an understanding of how crisis incidents can unfold naturally or be moved along in stages is important for negotiator teams to be able to obtain a resolution. Two well-known approaches to crisis negotiation staging, both of which approach it mainly from the

point of view of the negotiator are important: the first derives from a forensic psychology perspective, and the second a law enforcement and corrections context (adapted from Royce, 2009, pp. 26-27).

From a forensic psychology perspective, Call (2003; 2008, p. 280) suggests that crisis negotiations may be interpreted in terms of five distinct stages, or what can be characterised as strategic steps the negotiation teams should take:

1. **Intelligence gathering:** the need here is to develop strategy(s) to approach the crisis and to make preparations so the team can deal with any potential or unforeseen problems.
2. **Introduction and relationship development:** after contact is made with the POI, steps need to be taken to build rapport. The team also needs to defer action on instrumental demands until rapport is evident and established.
3. **Problem clarification and relationship development:** with rapport established negotiate (bargain) 'normatively' rather than by using 'brinkmanship'.
4. **Problem solving:** based on the developing rapport, start to advance proposals to solve the situation and seek compliance from the POI.
5. **Resolution:** based on continuing rapport carefully organise steps for any hostage release, and steps for an efficient and safe surrender.

In the police training and correctional context, the stages of a crisis as suggested by McMains and Mullins (2001, pp. 68-76) are characterised as going through four distinct, unfolding stages:

1. **Pre-crisis:** those involved in a potential crisis carry on their normal daily activities.
2. **Crisis/Defusing:** something triggers intense emotional excitement in the subject, unpredictability and uncertainty increases, and he/she chooses a course of action which leads to police involvement and their initial attempts to defuse the crisis.
3. **Accommodation/Negotiation:** the subject involved is beginning to be open to suggestions, emotional excitement decreases, and rational thinking increases (often with instrumental purposes).

4. **Resolution/Surrender:** the subject can start to see solutions and perhaps a clear path for alternative choices, agrees with and tries new ideas, and makes moves towards a conclusion.

McMains and Mullins take the view that a crisis should be viewed as a process, with “predictable stages through which people move [and that] each stage has different issues with which negotiators must deal and requires different skills that are valuable in dealing with the issues of that particular stage” (2001, p. 68). Their view of the interaction as a process is an interactive, process-based view, which takes into account that the stages unfold as the interlocutors involved draw upon various interactive processes.

Given these two main approaches as background, the exchange between the POI and negotiator has been analyzed in terms of:

1. **The pre-incident context:** the important background details of the intelligence gathered on the POI prior to the crisis, and details about the tactical setup (extracted from a tape-recorded interview and police video).
2. **The initial stages of the POI text:** an analysis of how the POI is isolated and contained, and the moves made towards establishing rapport and moving towards defusing the crisis.
3. **The subsequent and final stages:** where the interaction unfolds towards resolution and surrender via cycles of instrumental and expressive processes.

The whole exchange between the negotiator and the POI from initiation to arrest lasts for around 47 minutes. The analysis and characterisation of the stages will be informed by elements of the model suggested by McMains and Mullins (2001), and due to the incident’s atypical nature (in terms of the role and use of prior contextual knowledge), elements of Call’s (2003, 2008) perspectives on staging from forensic psychology will be drawn upon and adapted (specifically the intelligence gathering stage). A full summative analysis of the stages and processes, the purposes associated with each, and sample utterances are given in Table 2 following.

STAGES	PROCESSES	EXCHANGES AND INSTANCES
PRE-CRISIS	INTELLIGENCE-GATHERING	<ul style="list-style-type: none"> • Incidents in town (visiting town, bank, police station wearing armed body IED and guns). • Police interview (with person who knows POI) • Police intel on property (carrying guns while patrolling perimeters; general paranoid behaviours)
CRISIS	CONTAINMENT & ISOLATION	<p>N: <i>"POI" You are under arrest. Stop immediately, and stay exactly where you are, There are police all around you,, You will be safe if you stay exactly where you are, and do exactly as I ask.</i></p>
CRISIS-DEFUSING	EXPRESSIVE	<p>N: <i>We know you've been going into town with a bomb and there's a lot of people very worried about that...</i> P: <i>Well that's only if I was attacked.....</i></p> <p>N: <i>... but no-one wanted to attack you, no-one wants to go near you, very worried about the bomb</i> P: <i>Now listen, this is absolutely bloody ridiculous.</i></p> <p>P: <i>Well certainly I'm going to keep my weapons, I've had them for most of my life.</i> N: <i>I know that, I know that, but police have to make sure that the bomb is disarmed.</i></p> <p>P: <i>Rightio, well what are you going to do?</i> N: <i>Well I need you to take off your overalls</i> P: <i>Then what do you intend to do?</i></p>
NEGOTIATION and	INSTRUMENTAL (BARGAINING)	<p>P: <i>Well what about my property and everything? what do you intend to do with my weapons? my land, my bike ... selling my land? getting out of the country? The pistol</i> N: <i>Well they are your property</i></p> <p>N: <i>..... but you just can't go into town with a bomb.</i> P: <i>What I've got is absolutely safe, that's the only problem.</i> N: <i>Well I know that you've got it really well made and I know it's as safe as it can be</i></p>

<p>ACCOMMODATION</p>		<p>P: <i>I was worried you were attacking me on my land to get my weapons which I've had for years, because you've all gone bloody well mad.</i></p> <p>P: <i>OK I'll leave my things here on the road.</i></p> <p>N: <i>And if you feel you could, if you can disarm it [the IED] easily.</i></p> <p>P: <i>It is disarmed now. Rightio, I'll even disconnect the battery from it.</i></p> <p>N: <i>Yes, I can guarantee that that [the money] will be returned to you.</i></p> <p>P: <i>But you're giving me a guarantee that I can definitely get out of this country?</i></p>
<p>RESOLUTION / SURRENDER</p>	<p>SURRENDER RITUAL</p>	<p>P: <i>Rightio, now you want me to walk down toward the armoured personnel carrier?</i></p> <p>N: <i>Please, if you could just place the phone there And if you do that you'll be absolutely safe.</i></p> <p>N: <i>Just keep walking towards them until they call out to you.</i></p> <p>P: <i>This is wonderful</i></p>

Table 2: The Stages in Operation Terrall (Adapted from Royce, 2009, pp. 36-38)

4 Context: the activating role of contextual knowledge

While the exchanges between a negotiator and POI can and should be viewed interactively from the point of view of instrumental and expressive concerns, another fundamental aspect which is important to consider is the understanding that all communication (no matter what type) occurs in some kind of context of situation (Halliday, 1978), and that this context also plays a very important role for realizing a negotiator’s and a POI’s verbal message choices. This view also incorporates an understanding that a particular exchange does not occur in isolation but can also often be the result of previous interactions that have differing contextual features. One can say, in effect that the “context is in text” via the choices that the interactants make through time (Eggins, 1994, p. 49). Accordingly, the context, and the use of contextual knowledge by the negotiator, can be examined as to their role and importance in facilitating the successful resolution of

Operation Terrall (besides the controlling effect of the tactical setup, and the use of active listening). For a fuller discussion of these factors in this incident, see Royce (2005; 2009).

Apart from the immediate contextual knowledge used in active listening as an exchange develops and unfolds, the negotiator can also draw upon prior contextual knowledge that may have been gathered prior to the incident (from police reports about a POI, possible immediate causes of the excitation, or notes from the initial attending officers etc.), or via tactical intelligence gathering. One of the most interesting aspects of the way that Operation Terrall developed and was ultimately resolved, is the use of a great deal of information garnered from a formal interview the NSW Police negotiator and members of the tactical/bomb disposal teams held with an informant who was aware of the POI's personality, attitudes and behaviours (see the Pre-crisis Stage in Table 2). The details of this interview, which have been derived from the negotiator's own personal recordings and which reveal a rather disturbed individual with sociopathic tendencies, focussed on the POI's background profile in terms of his personality traits, feelings towards others, habitual actions, possessions, interests and skills, and living circumstances.

Table 3 below summarises these characteristics.

Personality traits	Secretive, explosive temper. Paranoia - feels protected and in command when wearing IED in town – always wears it in town – feels it is better protection in town than just handguns. Admires ‘Rambo’. Limited conversational abilities. Likes to feel that he is in control or has power.
Belief systems	No religious affiliations or beliefs in organised religion. Machines come before people. His pets come before people. Human life has no value.
Interests and skills	Mechanical aptitude and has respect for machines. Pilots licence. Significant knowledge of and background with weapons. Able to build own firearms/cannon and to construct a pressure-switched IED. Strong interest in Thailand where he feels he can do anything he wants [money and prostitution].
Family relations	Estranged – did not attend mother’s funeral. No contact with father. Other family members seen very occasionally. His guns and dogs come before family.
Reaction to authority	Government are ‘thugs’ who manipulate everyone (telephones, banks, TV, police etc.). Hates local council – they should be shot. No trust in doctors – self medicates.
Feelings towards others	Weapons are more valuable than people. Misogynist. Humans are ‘domestics’, ‘two legs’ or ‘functionoids’. The local townspeople should be shot and used for fertiliser. No friends except an ‘Old Nazi’ in Thailand.
Living circumstances	Lives in a caravan on own property. Largely self- sufficient existence – buys supplies in town occasionally. Caravan is booby-trapped when he is away. Has made land mines ready to plant on property away from access track.
Possessions	Keeps antique pistols/guns, 1-inch cannon, stockpile of weapons and ammunition. Owns and uses forge, lathe and machine tools.
Habitual actions	No history of actual violence. Used to wear two IEDs and carried two handguns in town. Now carries one more powerful body IED and three handguns. Has been wearing a ‘hot’ pressure-switched IED to town for about four months. Uses a motorised bike to leave property along sandy access track.

Table 3: Informant Interview Results

Evidence of the use of this prior knowledge is sprinkled throughout the negotiation exchange, some of which is illustrated below (for a fuller discussion of these factors the way this case relates to Register Theory, see Royce, 2009). The first uses of this prior knowledge occur at the very beginning of the interaction, when the negotiator switches from the megaphone announcing the POI's need to stop where he is, to the police radio phone line. Here he identifies himself, and once the identification phase of the exchange is over, he then consistently draws upon, directly and indirectly, the background contextual knowledge obtained from the previously mentioned informant interview. These can be analysed and summarized in terms of the following:

Neg *We know you've been going into town with a bomb [habitual actions] and there's a lot of people very worried about that. O.K. That's why we're here, because we know you've got guns [possessions] and we know that you've got a bomb [possessions].*

Here the negotiator states facts all derived from the informant. The POI of course is already aware of this information since they involve him, and he is well aware of the town situation - what is new for him is the fact that the police also know about him carrying a bomb and weapons into town, and that people are concerned.

Neg *I understand what you mean, but no-one wanted to attack you [feelings towards others], no-one wants to go near you [feelings towards others], they're frightened [personality traits], very worried about the bomb [personality traits]. You can understand that, can't you?*

Here the negotiator lets the POI know that he understands that the POI is carrying the weapons and bomb in case of attack, or fear of attack, and he refers to the fears of the townspeople who are worried and fearful [again based on the informant's interview]. This is repeated throughout the rest of the negotiation. An important aspect of this expressed fearfulness by the people is that it feeds into the POI's feelings of superiority and disdain towards the townspeople, and it feeds into his need to be in control. It is thus a clear recognition and appreciation of the POI's insecurities.

Neg *Yes, look I know what you're saying [interests and skills – the POI has made a safe bomb] and I know you have been into town [habitual actions] and I know no-one's been injured [interests*

and skills – the POI has made a safe bomb].

Again, the negotiator knows that the bomb is relatively safe because of the knowledge he has gained about the construction of the bomb the POI made; it is relatively safe for detonation because it has an enclosed push-switch [speed of detonation is important in this context, because of it were a more sensitive detonation switch, the implications for police and public safety would change markedly].

Neg *You can't leave that area, there's police all around you, there's police back down the road towards your house. If you look down the road you'll see a Saracen [interests and skills].*

POI *This is amazing.*

~~~~~

Neg2 *Yes, he had a look at the Saracen and that was the clincher, yes. [interests and skills].*

The negotiator's and the tactical team's prior knowledge of the POI's love for technology, tactics, and mechanical devices is also at play here. This can be seen in the reaction of the POI to the use and placement of a Saracen (armoured personnel carrier), and the later comments by a second negotiator that the POI seemed impressed with the use of such a show of quasi-military firepower.

POI *Well certainly I'm going to keep my weapons [possessions], I've had them for most of my life [possessions].*

Neg *I know that, I know that, but police have to make sure that the bomb is disarmed.*

This is an important exchange in relation to the importance of the POI's weapons. The negotiator demonstrates his knowledge and understanding of this, which he continues to do throughout the bargaining phase, via statements demonstrating surety of knowledge [*I know that, I know that*]. The importance of this particular usage based on prior knowledge grows in importance during the middle and latter part of the negotiation, where considerable numbers of exchanges revolving around the bargaining over the POI's property, guns, money, etc. occur.

Neg *No, you can't go home [living circumstances] "POI".*

POI *What are you gunna do, shoot me in the back?*

Neg *You can't leave that area, there's police all around you, there's police back down the road towards your house [living*

**circumstances**]. *If you look down the road you'll see a Saracen.*

The use of background knowledge obtained is also used tactically to cut off the POI from his home base. When the POI states his intention or desire to go back home, he is quickly told that he cannot go home, that he is effectively isolated, and that if he tries to return he will be in danger. The police already know that this is the source of the POI's security, strength and multiple forms of weaponry and booby traps, so they make sure that he is dissuaded from trying to return.

## **5 Conclusion**

The analysis and discussion that has been presented in this paper has shown that police crisis negotiations are complex interactive events which can and should be looked at from a range of different aspects. There are instrumental or bargaining aspects, as well as expressive and emotional aspects to how the exchanges can unfold. It is important however to look at how the exchanges unfold due to the choices made by the interactants in response to each other (the importance of active listening for building rapport), the ways that the interaction can be moved along through various stages (the discourse stages in crisis negotiations and their associated critical moments), and the ways that purposeful choices can be made based on the negotiator's prior contextual knowledge (the activating role of contextual knowledge). Operation Terrall is unusual in that the police were able to obtain a great deal of prior intelligence which was used to great effect in the incident, but it is also true that a crisis negotiation which occurs rapidly in real time, with little time to gather such extensive information, can also be influenced by the purposeful, context-driven choices of the negotiator and his/her team.

This analysis suggests areas for further interactional study of this kind of incident. One important area would be an intonational analysis of vocal recordings of these kinds of interactions, especially in the move from a public megaphone to the more 'intimate' police phone. This could be correlated with the stages and functional moves occurring as an interaction unfolds. The implications of this kind of analysis would be interesting for police training, as an awareness of how their voice can be used in conjunction with their lexical choices to

build rapport, and where needed move the exchange along in stages, and bring in the “voice of reason” to start to move the interaction towards the resolution/surrender phase (O’Reilly, 2003), can greatly assist the successful resolution of crisis incidents. Another good example of this is the insertion of the active listening skill the NSW Police refer to as “Confrontation”, where they purposely use questions/statements to clarify avoided feelings or states, and to ensure that the POI is ‘getting the message’ or should be ‘jolted’ along a little. The usage of this kind of interactive device could be seen as having its dangers, so an understanding of its usage along with effective intonational choices could help in its more subtle and effective use.

### **Acknowledgments**

I wish to thank Detective Superintendent John O’Reilly, Commander, Operations Group, Counter Terrorist & Special Tactics Command, NSW Police Force, for his cooperation, assistance and advice in the preparation of this paper, and the invaluable data upon which the analyses are based.

### **References**

- Active listening skills. (2012) *Utah State University Academic Resource Center Idea Sheets: Active listening skills*. Available at: [http://www.usu.edu/arc/idea\\_sheets/pdf/active\\_listening.pdf](http://www.usu.edu/arc/idea_sheets/pdf/active_listening.pdf).
- Call, J. A. (2003). The evolution of hostage/barricade crisis negotiation. In Hall, Harold V. *Terrorism: Strategies for Intervention*, (pp. 69-94). New York: Haworth Press.
- Call, J. A. (2008). Psychological consultation in hostage/barricade crisis negotiation. In Hall, Harold V. *Forensic Psychology and Neuropsychology for Criminal and Civil Cases*. (pp. 263-288). Boca Raton FL: CRC Press, Taylor & Francis Group.
- Cambria, J., DeFilippo, R. J., Louden, R.J., & McGowan, H. (2002). Negotiation under extreme pressure: The 'mouth marines' and the hostage takers. *Negotiation Journal - on the Process of Dispute Settlement*, 18(4), pp. 331-343.

- Charles, L. L. (2007). Disarming people with words: Strategies of interactional communication that crisis (hostage) negotiators share with systemic clinicians. *Journal of Marital and Family Therapy*, 33(1), pp. 51-68.
- Daily Liberal. (2002). Freedom for man who wore bombs. June 23, 2002, p. 3.
- Eggs, S. (1994). *An Introduction to Systemic Functional Grammar*. London: Pinter Publishers.
- Halliday, M.A.K. (1978). *Language as Social Semiotic*. London: Edward Arnold.
- Hammer, M. (2008). The S.A.F.E. Model of Negotiating Critical Incidents. *IACM 21st Annual Conference Paper*. Available at SSRN: <http://ssrn.com/abstract=1298603> or <http://dx.doi.org/10.2139/ssrn.1298603>
- Lanceley, F. J. (1999). *On-scene guide for crisis negotiators*. Boca Raton: CRC Press.
- Listening Skills: A powerful key to successful negotiating. (2000). *The Apocalypse Suicide Page*. HealthyPlace.com, Inc. Available at <http://www.healthyplace.com/depression/articles/listening-skills-a-powerful-key-to-successful-negotiating/>
- McMains, M. J. & Mullins, W. C. (2001). *Crisis Negotiations: Managing Critical Incidents and Hostage Situations in Law Enforcement and Corrections*. 2nd Ed. Cincinnati, Ohio: Anderson Pub. Co.
- Noesner, G. W. & Webster, M. (1997). Crisis Intervention: Using Active Listening Skills in Negotiations. *FBI Law Enforcement Bulletin*, 66(8), pp. 13-19.
- O'Reilly, J. (2003). *Personal Correspondence*. Sydney, Australia.
- Pickering, M. (1986). Communication. *Explorations: A Journal of Research of the University of Maine, Fall*, 3(1), pp. 16-19.
- Potter, B. (1995). *From Conflict To Cooperation: How To Mediate A Dispute*. Berkeley, CA: Ronin Publishing.
- Rogan, R. G., Hammer, M. R., & Van Zandt, C. (1997). (eds.). *Dynamic Processes of Crisis Negotiation*. Westport, Connecticut: Praeger.
- Romano, S. J. (2002). Communication Survival Skills for Managers. *FBI Law Enforcement Bulletin*, 71(9), pp. 14-16.

- Royce, T. D. (2005). The negotiator and the bomber: Analyzing the critical role of active listening in crisis negotiations. *Negotiation Journal*, 21(1), pp. 5-27.
- Royce, T. D. (2009). Critical Incidents: Staging and Process in Crisis Negotiations. *Journal of Policing, Intelligence and Counter Terrorism (JPICT)*, 4(2), pp. 25-40.
- Schlossberg, H. (1979). *Hostage negotiations school*. Austin, TX: Texas Department of Public Safety.
- Sun-Herald, The. (2001) 'Human bomb' man held. *The Sun-Herald Metro Edition*, 14/10/2001, p. 29.

**Dr. Terry Royce** is a Senior Lecturer in the Graduate Research School, University of Technology, Sydney (UTS) responsible for Research Literacies. He holds a PhD in Linguistic Science from the University of Reading (UK), and his research interests include forensic linguistics (critical incident policing), the analysis of multimodal discourse, discourse and cohesion analysis across disciplines, systemic-functional linguistics, and TESOL education. He also supervises doctoral candidates in applied linguistics and forensic linguistics. His external teaching and research work is in forensic discourse analysis and forensic stylistics, where he has carried out questioned authorship analyses for various organizations. He has also conducted workshops on active listening and communicational staging in critical incident policing to senior members of the NSW Police Service Negotiators Unit in the State Protection Group, and consulted on communication issues with other elements of the NSW Police Service such as the Counter Terrorist and Special Tactics Command in Sydney.