

NEGOTIATION LESSONS LEARNED BY AN FBI HOSTAGE NEGOTIATOR

In the early 1970s, between graduate school and my FBI career, I had worked as a salesman. When I became involved with and, later, led the FBI's hostage negotiation program, the similarities between hostage negotiation and what I learned as a salesperson became evident.

Qualifying clients and non-negotiable incidents

One of the first parallels between law enforcement negotiation and sales is determining what is a negotiable situation is and what is not. A failure to make this distinction in law enforcement can cost lives and in sales can cost hours of effort and wasted time. I view this early determination to be very much like qualifying a potential client. Some persons we can work with and some we cannot.

The 1993 negotiation with David Koresh in Waco, Texas is an example of a non-negotiable incident I have worked. It is my opinion that a fully successful resolution to this incident was not going to be achieved via negotiation. I had talked to persons who knew Mr. Koresh personally. The story that came through was that in the past Mr. Koresh had made predictions then he ensured that his prediction came true. The obvious question was, "What had he predicted about this incident?" What Mr. Koresh had predicted was that the Branch Davidians would die when the "the beast" attacked. Some followers believed Mr. Koresh to be never wrong.

The question then becomes, "If the incident is not negotiable, what do we do?" Federal agents and Branch Davidians had died in the initial stage of the raid. It was unlikely that law enforcement was going to "walk away" because people had died and crimes had been committed. The operation was also very, very expensive. One estimate of cost was \$1 million per day. How long does one keep up an effort at \$1 million per day or even half that amount? The FBI and federal government kept it going for 51 days. If one cannot afford \$1 million or even \$500,000 per day, what do you do? How much effort and expense would a corporate entity put into what is believed to be an important but most likely, losing endeavor?

It is not about you

We, negotiators and sales people, know that our subjects and clients sometimes behave in seemingly irrational ways. We know how difficult it is to be truly heard or understood. Not matter how difficult the client or subject, we must remember that this negotiation is not about you, the negotiator or salesperson. It is about the subject or client and his or her needs. This point is may be hard to keep in mind especially when the client is nasty, insulting or worse.

Everyone involved is a salesperson/negotiator

A law enforcement agency can have the best in negotiation, tactical, and crisis management teams but one person can annihilate an otherwise excellent effort. Anyone communicating a message to the other side is a negotiator so virtually everyone on-scene of a crisis is a negotiator. Everyone must be sending the same message. If the negotiators are taking

a conciliatory, non-threatening approach, the tactical team must not pose a threat and the public information officer must be taking the same position, especially if the subject has access to television and radio. Few circumstances will prolong an incident more than sending the subject conflicting messages.

Likewise, there is more to sales than just the marketing department and sales personnel. Everyone in the organization must be saying the same thing; from the CEO to even cleaning personnel. Cleaning personnel talking between themselves on an elevator in the presence of a potential client can derail a deal as quickly as a poor salesperson. A failure to recognize this point can be and has been costly in terms of lives and money.

Demonstrations

People believe in demonstrations far more than words. For example, negotiators in Waco were telling Mr. Koresh that everything was going to be resolved peacefully. On the other hand, what did Mr. Koresh and the Branch Davidians see when they looked out the window? Tanks! Who were they more likely to believe? A voice on the telephone or what they saw out the window?

If a salesperson tells a potential client that the salesperson will take care of him or her, either before or after the sale, but does not return e-mail messages or telephone calls for three or four days. What is being demonstrated with regard to how well the client's requirements will be met?

The writer provides extensive training on active listening for negotiators. One of the reasons that active listening is valued so highly is because nearly all active listening skills demonstrate that the negotiator is listening to the facts as well as the emotion evoked by the facts. Saying, "I understand," is not nearly as effective as demonstrating that the listener understands.

Keep it simple

Albert Einstein once said, "Make everything as simple as possible but not simpler." There are many smart people in the FBI and in your corporation who will come up with complex answers to problems. The secret is in looking for simple answers from smart people! Those are the answers in which I have the most confidence. During an aircraft hijacking, FBI agents at the scene were concerned about a long coat the hijacker was wearing. It was speculated that the hijacker might have a bomb under the coat. Later, when asked why that particular coat was worn to the airport she said, "It was cold and it is the only coat I own."

Suggested negotiator introduction

How one opens a negotiation can be very important. It may set the tone for hours, if not the duration of the incident. The introduction used by many negotiators in the United States is as follows: "My name is _____. (*No rank or title.*) I am a negotiator with the _____ Police Department. I would like to help."

In the United States, the public is familiar with what negotiators do. After a shooting, negotiators finally managed to reach the subject by telephone. After the negotiator introduction, the subject said, "You're a negotiator? Where have you guys been? I have been waiting for you. I want to get out of here. I give up!"

Negotiators in the United States are taught that early on and, if appropriate, not to forget to ask the subject to come out. There have been instances in the United States when after negotiating for ten hours the subject finally surrendered. When asked why he did not come out sooner, the subject replied, "Nobody asked."

Forgetting to ask for surrender is like forgetting to ask if a potential client is ready to buy at the start of a negotiation. You never know. Perhaps the client's father or son already has your product or has invested with you and all he wants from you is the paperwork to sign his name. If you press on with a sales pitch when the client is willing to buy or invest immediately, you risk losing everything. If the subject or client declines to surrender or buy at the outset, the negotiator falls back to the negotiation process.

Pushing the deal

"Pushing the deal" for law enforcement negotiators is analogous to pushing for a close on a sale before the client is ready to close. Negotiators offer the "deal" at the outset but if the deal is declined, negotiators back off and begin the negotiation process. "Pushing the deal" too hard early-on builds distrust and people "dig in" against you.

Fear

For law enforcement negotiators, it is very important to be reassuring because the people with whom we negotiate are almost always frightened. The public thinks they know about police work from watching television and the movies. To my chagrin when working outside the United States, it appears that the United States exports only the least desirable elements of its culture especially in the form of movies and television. Many police officers outside the United States watch American police television shows and from those shows receive some very erroneous impressions. More than once, foreign police officers, generally after a couple of beers, will ask in hushed, personal tones, "Fred, how many people have you killed?" (When United States police officers are told this story, they laugh at this point.)

To foreign police officers, I reply with the question, "Do you mean this year or my entire career?"

I think most foreign police officers are disappointed to learn that I have never shot anyone or even fired my weapon off the firearms range. From US television, one would think that an FBI agent or police officer was in daily gunfights! Additionally, I have only been the victim of a crime once and that was in 1968!

Like most law enforcement subjects, many of your clients are frightened. Your clients are fearful of risking their investment or spending their money unwisely. It is less risky for your

clients to do nothing. It is easier to leave their money in the bank at 3% than give it to you manage or risk on a new product. Businesspersons must take the fear out of the transaction for their clients.

As subjects are often fearful that they will lose their lives at the hands of the police, US negotiators overcome that fear by having successful, smaller interactions. Over time, it is demonstrated to the subject that he can talk and have small interactions and no one is going to shoot him. Consider how your clients can have smaller transactions that have the potential for larger transactions later. Smaller transactions conducted with professionalism build trust, reduce fear and demonstrate how larger, more significant transactions will be managed in the future. Have patience.

Subject's needs

Identify the subject's needs and use them to obtain resolution of the incident. The law enforcement negotiator listens for two types of needs that are almost always present. First, there are the instrumental needs, that is, the spoken, often tangible needs such as survival, food, water, comfort and predictability of circumstances. Instrumental needs almost always emerge first because they are easy to talk about with a stranger, i.e., the negotiator or salesperson. For the law enforcement negotiator, the instrumental needs will be things like cigarettes, beer, pizza, back off, etc. For a businessperson the instrumental needs may sales price, return on investment, rent, fees, etc.

Then, there are the expressive needs, that is, the unspoken often intangible needs such as power, acceptance, belonging, affection and self-worth. Expressive needs, if they emerge at all, will emerge later in the negotiation. For example in a sales situation, a client's primary need may be to impress his new father-in-law, who is his boss, with his shrewdness as a negotiator. As a result, all kinds of issues may materialize. Few people will tell you at the outset, "Listen, I've got to be tough here to impress my new father-in-law," but they might tell you later when they trust you.

Negotiators should listen for unspoken needs. One indicator that there are expressive needs not being met is when all of the instrumental needs have been met and a client still will not close a deal.

Expressive needs can be very personal. The subject's shift from instrumental needs to expressive needs may indicate the development of trust and rapport and, therefore, progress in the negotiation.

Repeat customers and trust

In business and law enforcement, trust is crucial. A research project indicated that when asked to rank the most important criteria for choosing an investment firm, clients consistently put return on investment *below* trust and other "relationship issues." No one makes a deal with someone they do not trust.

Law enforcement negotiators avoid tricks, strive for honesty and keep their promises because in the short run a failure to do so will cost the negotiator his or her credibility; credibility that he or she may not be able to recover. Even the harsh truth when artfully told improves negotiator credibility. Law enforcement negotiators avoid tricks, strive for honesty and keep their promises because in the long run we may have a repeat “customer” and it will be a difficult negotiation if we lied, tricked or did not keep our promises the first time around. Additionally, if law enforcement negotiators are deceptive, the subject will tell others in jail or prison making future negotiations with those inmates more difficult.

The surrender or close

Law enforcement has had situations where the subject wanted to come out and negotiators had to tell the subject to stay inside the stronghold because the tactical team was not ready for him. To this observer, this circumstance is the equivalent of a client saying that he is ready to buy but you replying that you are not ready to close; not a good situation! As a result, negotiators are encouraged to discuss the arrest plan with the tactical team early in the incident.

Part of the surrender may include determining the “surrender ritual” or how the subject wants to surrender. This writer has observed four different surrender rituals. Some subjects want to shave and put on a clean shirt because they know that they will be appearing on the television evening news and they want to look good. Other subjects want to look like “bad guys.” A British colleague reported that he told a subject that a sweater could be put over his hands so friends, neighbors and relatives outside the house would not see him in handcuffs. The subject entwined his fingers behind his head and said, “No, I want to go out like this; just like in the American movies.” A third form of surrender ritual is that the subject sets up a circumstance that allows the tactical team to tackle him. This way, when the subject goes off to prison, he can say, “I didn’t give up. The FBI SWAT team jumped me and there must have been 10 or maybe even 25 of them but I got in some good punches before they took me down!” From the subject’s perspective, it is a good, almost true story that will get even better over time. A final form of “surrender ritual” is to just let the situation die slowly. In two aircraft hijackings, FBI negotiators traded 25 people off the aircraft in return for food. Instead of 25 people coming off the plane, 35 people came off the plane. So, the stairs were left in place and passengers just started getting off. At the conclusion, there was no one left on the plane but the hijacker and an FBI agent in one hijacking and in the other, the hijacker, FBI agent and flight attendant. There was no dramatic end to the incident.

For law enforcement negotiators, the surrender is equivalent to a close in a sale. In the writer’s view, the secret to a good close is in doing everything well up to the close. If a negotiator or salesperson is having trouble with the close or the surrender, look at the entire process. Surrenders or closes do not stand alone.

It’s not over until it’s over

My advice to negotiators is to listen, care, do things as you were trained to do them and have faith in the process. If you do, you can walk away from the incident with a clear

conscience knowing that you did everything you could have done. There is nothing more you can do.

Retired New York Yankees catcher Yogi Berra once said of baseball games, "It's not over until it's over." The same can be said of negotiations. As a negotiation is successfully progressing, negotiators sometimes become careless because they think that the pressure is off and the situation is over; a dangerous development. The incident is not over until the subject is in handcuffs and someone is taking him away. You, as a salesperson, may be certain that you have the potential client sold but at the last minute they back out of the deal for whatever reason. It's not over until you have the client's signature and his check clears the bank. In other words, it's not over until it's over!

Conclusion

In conclusion, I believe that there are many more parallels between what law enforcement negotiators and business people do; far more than can be covered in a short article. The most significant parallel is that law enforcement negotiators and salespeople are both selling hope. The negotiator and salesperson are both selling the hope that the subject's or client's future will be better. In this writer's view, there is no more worthwhile product.

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