Crisis Intervention: Using Active Listening Skills in Negotiations

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Negotiators can use active listening skills to help resolve critical incidents involving expressive subjects.

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When responding to a critical incident involving a hostage taker or barricaded subject, crisis negotiators generally confront one of two types of behavior-instrumental or expressive. Instrumental behavior is characterized by substantive demands and clearly recognizable objectives that, if attained, will benefit the subject. Negotiators can best address this goal-directed behavior through the strategies of bargaining or problem solving.

Expressive behavior, on the other hand, is designed to communicate the subject's frustration, outrage, passion, despair, anger, or other feelings. The actions of a subject who is in an expressive mode often appear illogical and highly emotional, given the lack of substantive or goal-oriented demands. Moreover, the critical incident itself may be of a self-destructive nature. Expressive behavior stems from the subject's need to ventilate and is best addressed through a strategy of active listening.

Although these two very different modes of behavior represent opposite ends of a continuum, subjects often exhibit elements of both types during an incident. In other words, a subject's behavior, while predominantly one type or another, may slide along the continuum between instrumental and expressive, making it difficult for responding law enforcement personnel to develop a negotiation strategy.

Still, the majority of critical incidents to which law enforcement responds involve subjects who are motivated primarily by emotional needs and exhibit mainly expressive behaviors.1 These incidents may involve jilted lovers, disgruntled employees or students, mood-disordered or psychotic subjects, suicidal individuals, or individuals who, for whatever reason, believe that they or their beliefs have been threatened or demeaned by society.

Although they may make limited instrumental demands, these subjects are more concerned with expressing their anger, hurt, despair, or beliefs of being treated unfairly than they are in bargaining in a rational manner. They have lost their equilibrium and are experiencing heightened levels of arousal that interfere with their ability to function normally.2 While all critical incidents pose distinct problems, negotiators often find it particularly difficult to accommodate subjects who act out of emotional rage and appear to lack a clear sense of purpose.

Although expressive subjects might do a good deal of talking during negotiations, they generally have difficulty articulating their true needs in an understandable way.

Therefore, negotiators must be able to guide expressive subjects into clearly stating the nature of their dilemmas and articulating their demands so that law enforcement can address them. In recent years, the FBI's Critical Incident Response Group (CIRG) has adopted a negotiation technique designed to elicit such information by providing negotiators with the skills to help expressive subjects sort out their often-scattered thoughts and feelings. By using active listening skills, negotiators control the tone of negotiations while they build the empathy necessary to win subjects' confidence and to resolve tense situations.

In order to employ these listening skills successfully, negotiators first must understand the nature of crises. Indeed, when negotiators arrive at the scene of a critical incident to begin negotiations, they must remember that the subject is already in the midst of considerable internal turmoil. To lead the subject out of crisis, negotiators must appreciate the factors that created the situation in the first place.

THE NATURE OF CRISES

A crisis overrides an individual's normal psychological and biological coping mechanisms.3 Several features of critical incidents account for the overwhelming and bewildering nature of a crisis.

As people grow and develop, they continually meet new demands. These demands could be intellectual, employment-related, economic, or rooted in relationships with other people. Individuals meet these demands and practice resolving them so often that they form coping mechanisms, or "cognitive maps," to deal with them. These maps assist people who face a potential problem to categorize it, determine the resources needed to overcome it, choose a solution, and set a goal for the problem's resolution.

Occasionally, however, individuals confront situations they have seldom or never encountered in the past. As a result, they have not developed adequate coping mechanisms to deal with them. These crises leave individuals feeling overwhelmed and powerless. For many people, these crises cause their heightened emotions to impair their ability to think rationally.

As a consequence of feeling powerless and helpless, individuals may experience extreme levels of physiological arousal in the form of anxiety--the natural human response to threat and danger. This anxiety serves to disrupt further their ability to think clearly. Consequently, when individuals face a crisis, their increased levels of arousal interfere with attempts to cope with an already incomprehensible circumstance.

During situations of crisis, people spontaneously turn to others for comfort, support, understanding, and protection. Some research suggests that people possess a biological need for attachment.4 Crises, however, have the potential to disconnect individuals from necessary sources of support.5 When the cry for attachment and support is not answered due to others'

misunderstanding of, fear of, anger with, disappointment in, or disagreement with the individual in crisis, that person feels utterly abandoned.

The absence of support during a crisis represents the loss of the primary human coping resource. Without the sense of security provided by others, the troubled individual's already extreme state of physiological arousal is exacerbated further. As a growing feeling of despair sets in, the person feels unable to escape the crisis. When all roads back to equilibrium seem blocked, the individual's ability to cope becomes overwhelmed.

As every attempt to deal with the perceived threat seemingly meets with failure, the individual learns to do nothing.6 This state of "learned helplessness" is characterized by constricted thinking and an inability to see even the most obvious solutions. Instead, the individual focuses on moment-to-moment survival. This shift in thinking only complicates the individual's situation, serving to undermine the sense of personal competence and effectiveness while increasing anxiety even more.

BREAKING DOWN DEFENSES

Individuals whose heightened state of anxiety and reduced self-esteem cause them to react recklessly to crisis situations usually come in contact with law enforcement. For responding negotiators, crisis intervention generally involves an intense effort, within a relatively short period of time, to lower physiological arousal and return subjects to equilibrium, or at least to a more normal functional level. Negotiators can help subjects in crisis return to a more rational state by providing them with support during a time of confusion. Active listening represents a powerful tool to stimulate positive change in others.

Despite the popular notion that listening is a passive behavior, abundant clinical evidence and research suggest that active listening is an effective way to induce behavioral change in others.7 When listened to by others; individuals tend to listen to themselves more carefully and to evaluate and clarify their own thoughts and feelings. In addition, they tend to become better problem solvers, growing less defensive and oppositional and more accepting of other points of view. Subjects who are met with an empathetic ear also become less fearful of being criticized and grow more inclined to adopt a realistic appraisal of their own position.

Through the course of their development, people construct a set of beliefs. In a very general sense, the interaction between beliefs related to self and those related to the world determine an individual's behavior in any situation.8 However, viewpoints related to self-that is, a person's self-image-represent the most cherished and vital components in the belief system.

Accordingly, people feel threatened by any direct attempt by others to challenge or change their self-images. These perceived threats cause subjects in crisis to defend even more strongly their image of themselves and deny any challenges to it. Objective observers might view these efforts as constricted thinking and rigid behavior. To subjects in crisis, however, they represent the only avenues open to preserve a sense of themselves amidst the chaos in their lives. Because active listening poses no threat to an individual's self-image, it can help a subject become less defensive. Thus, active listening creates fertile ground for negotiation and, eventually, change.

If negotiators hope to change a subject's behavior-that is, restore the individual's equilibrium and increase the subject's ability to think more clearly and act less violently--they must remove themselves as threats. As long as the subject perceives the atmosphere as threatening, no meaningful communication can take place. Without communication, negotiators cannot build the rapport necessary to bring about behavioral change in the subject.

Accordingly, negotiators must avoid intimidating, demeaning, lecturing, criticizing, and evaluating subjects. They must create an atmosphere of empathy and respect. Only in this climate will subjects feel safe enough to consider alternate perspectives and become receptive to positive suggestions from negotiators. By employing active listening skills, negotiators help create an environment for positive change.

ACTIVE LISTENING SKILLS

In recent years, the FBI and a growing number of law enforcement agencies have used active listening to resolve volatile confrontations successfully. These positive results have led the FBI to incorporate and emphasize active listening skills in its crisis negotiation training. The following seven techniques constitute the core elements of the active listening approach the FBI teaches. Together, these techniques provide a framework for negotiators to respond to the immediate emotional needs of expressive subjects, clearing the way for behavioral changes that must occur before negotiators can resolve critical incidents.

Minimal Encouragements

During negotiations with a subject, negotiators must demonstrate that they are listening attentively and are focused on the subject's words. Negotiators can convey these qualities either through body language or brief verbal replies that relate interest and concern. The responses need not be lengthy. By giving occasional, brief, and well-timed vocal replies, negotiators demonstrate that they are following what the subject says. Even relatively simple phrases, such as "yes," "O.K.," or "I" see," effectively convey that a negotiator is paying attention to the subject. These responses will encourage the subject to continue talking and gradually relinquish more control of the situation to the negotiator.

Paraphrasing

Paraphrasing consists of negotiators' repeating in their own words the meaning of subjects' messages back to them. This shows that negotiators are not only listening but also understanding what the subject is conveying.

For example, the subject might say, "What's the use in trying to go on anymore. I've lost my job of 18 years, my wife has left me for good, and I have no money and no friends. I'd be better off dead." In response, the negotiator might express understanding by paraphrasing the subject's words, "You've lost your job and your wife, there is no one to turn to, and you're not sure if you want to go on living."

Emotion Labeling

Because expressive subjects operate from an almost purely emotional framework, negotiators must address the emotional dimensions of a crisis as the subject sees them. Emotion labeling allows negotiators to attach a tentative label to the feelings expressed or implied by the subject's words and actions. Such labeling shows that negotiators are paying attention to the emotional aspects of what the subject is conveying. When used effectively, emotion labeling becomes one of the most powerful skills available to negotiators because it helps them identify the issues and feelings that drive the subject's behavior.

A negotiator might say, "You sound as though you are so angry over being fired from your job that you want to make your supervisor suffer for what happened." In response, a subject might agree with the negotiator's statement and thereby validate the assessment. Or, the subject could modify or correct the assessment: "Yes, I'm angry, but I don't want to hurt anyone. I just want my job back." Either way, negotiators have learned something important about the subject's emotions, needs, and contemplated plans.

Mirroring

By mirroring, negotiators repeat only the last words or main idea of the subject's message. It serves as both an attending and listening technique, as it indicates both interest and understanding. For example, a subject may declare, "I'm sick and tired of being pushed around," to which the negotiator can respond, "Feel pushed, huh?"

Mirroring can be especially helpful in the early stages of a crisis, as negotiators attempt to establish a non-confrontational presence, gain initial intelligence, and begin to build rapport. This technique allows negotiators to follow verbally wherever the subject leads the conversation. Consequently, negotiators learn valuable information about the circumstances surrounding the incident, while they provide the subject an opportunity to vent.

This technique also frees negotiators from the pressure of constantly directing the conversation. Under stress, negotiators may find they are unsure of how to respond to the subject. Mirroring enables a negotiator to be a full partner in the conversational dance without having to lead. Using this skill also helps negotiators avoid asking questions interrogation-style, which blocks rapport building.

Open-ended Questions

By using open-ended questions, negotiators stimulate the subject to talk. Negotiators should avoid asking "why" questions, which could imply interrogation. When the subject speaks, negotiators gain greater insight into the subject's intent. Effective negotiations focus on learning what the subject thinks and feels. If negotiators do most of the talking, they decrease the opportunities to learn about the subject. Additional examples of effective open-ended questions include, "Can you tell me more about that?" "I didn't understand what you just said; could you help me better understand by explaining that further?" and "Could you tell me more about what happened to you today?"

"I" Messages

By using "I" messages, a negotiator ostensibly sheds the negotiator role and acts as any other person might in response to the subject's actions. In an unprovocative way, negotiators express how they feel when the subject does or says certain things.

For instance, a negotiator might say, "We have been talking for several hours, and I feel frustrated that we haven't been able to come to an agreement." This technique also serves as an effective response when the subject verbally attacks the negotiator, who can respond, "I feel frustrated when you scream at me because I am trying to help you."

While employing this skill--and all active listening techniques--negotiators must avoid being pulled into an argument or trading personal attacks with a subject. An argumentative, sarcastic, or hostile tone could reinforce the subject's already negative view of law enforcement and cause the subject to rationalize increased resistance due to a lack of perceived concern on the part of the police. Use of "I" messages serves to personalize the negotiator. This helps to move the negotiator beyond the role of a police officer trying to manipulate the subject into surrendering.

Effective Pauses

By deliberately using pauses, negotiators can harness the power of silence for effect at appropriate times. People tend to speak to fill spaces in a conversation. Therefore, negotiators should, on occasion, consciously create a space or void that will encourage the subject to speak and, in the process, provide additional information that may help negotiators resolve the situation.

Silence also is an effective response when subjects engage in highly charged emotional outbursts. When they fail to elicit a verbal response, subjects often calm down to verify that negotiators are still listening. Eventually, even the most emotionally overwrought subjects will find it difficult to sustain a one-sided argument, and they again will return to meaningful dialogue with negotiators. Thus, by remaining silent at the right times, negotiators actually can move the overall negotiation process forward.

NEGOTIATION TOOLS

In combination, active listening skills can help negotiators demonstrate that the negotiation team sincerely wants to help the subject out of a difficult situation. No set formula exists for using these skills, however. The application of some or all of the skills should depend upon the specifics of the situation confronting negotiators.

Negotiators should look at these skills as tools to be applied as deemed appropriate during a crisis situation. Like all tools, they should be used only to perform the jobs for which they are intended.

THE CHANGE PROCESS

The application of active listening skills helps to create an empathic relationship between negotiators and the subject. Demonstrating this empathy tends to build rapport and, in time,

change the subject's behavior. This approach to crisis intervention represents an effort over a relatively short period of time to stabilize emotions and restore the subject's ability to think more rationally.

However, when dealing with expressive subjects, negotiators should avoid the standard law enforcement inclination to resolve the problem as rapidly as possible. Even the most well orchestrated negotiations take time.

People tend to listen to and follow the advice of individuals who have influence over them. Negotiators generally achieve peaceful resolutions only after they demonstrate their desire to be nonjudgmental, nonthreatening, and understanding of the subject's feelings. By projecting that understanding, negotiators show empathy and lead the subject to perceive them, not as the enemy, but as concerned individuals who want to help.

Applying active listening skills and showing empathy establish a degree of rapport between negotiators and subjects that can lead to the discussion of nonviolent alternatives to resolve incidents. The rapport creates an environment where negotiators can suggest various alternatives that the subject previously could not see or would not consider.

Subjects who turn to negotiators and say, "I'm so confused and scared. What should I do to get out of this situation?" have reached a point where, due to the rapport-building efforts of negotiators, they are ready to accept advice on the best way to resolve the situation. Such a query provides an opening that negotiators can use to influence the actions of the subject by suggesting alternatives and offering solutions.

CONCLUSION

Crisis negotiators must respond to critical incidents involving individuals who display a variety of behavioral traits. However, during the majority of critical incidents, negotiators confront subjects who manifest predominantly expressive behavior.

Expressive subjects are in a state of crisis that blocks their normal coping mechanisms for handling stress. Their thinking becomes highly constricted and disorganized, making it difficult for them to deal logically with their problems and exercise good judgment. Skilled and patient negotiators can significantly influence such a subject's behavior by being supportive and non-confrontational.

By applying active listening skills, negotiators demonstrate that they are not a threat to the subject and that their goal is to help rather than harm. When negotiators demonstrate empathy and understanding, they build rapport, which, in turn, enables them to influence the subject's actions by providing nonviolent problem-solving alternatives. In short, by demonstrating support and empathy, negotiators often can talk an expressive subject into surrendering largely by listening.