State and Local Anti-Terrorism Training (SLATT) Program

We Have the Place Surrounded; Now What? Negotiating with Extremists: Is There a Difference?

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Negotiating with Extremists: Is There a Difference?

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We have the place surrounded; now what? Even though this cliché has been around the movie industry for years, scenarios, such as this, are not only real but have happened in the past and, in all probability, will happen in the future.

In a typical barricaded gunman situation, the officer(s) encountering such situations follow their training—call for a supervisor, establish a perimeter, and wait for the command post to be established and the negotiation team to arrive. Negotiations with criminal suspects have proven increasingly effective in avoiding injury and death to law enforcement officers, victims, and suspects. What happens when the suspect is not a typical criminal but, instead, an adherent to a group or organization whose beliefs are outside of the mainstream?

To help answer this question, a group of experienced negotiators were convened to explore if a different approach and process may be required when encountering criminal extremists, who may believe their cause is either justified by their religious beliefs or their actions are justified to preserve the sovereignty of their property, state, or county, based on their extremist and/or separatist political beliefs. Since 1996, the Institute for Intergovernmental Research (IIR), in cooperation with the Federal Bureau of Investigation (FBI), and funded by the U.S. Department of Justice, Bureau of Justice Assistance, has conducted research and training designed specifically for state and local law enforcement in recognizing, investigating,
and preventing acts of domestic terrorism and criminal extremism. During many of the training sessions held nationally, participants have posed the question whether negotiating with terrorists/criminal extremists is different than negotiating with typical criminals.

Law enforcement has been very successful in dealing with typical criminal hostage situations as a result of training and coordination, much of which has originated from the FBI’s Critical Incident Response Group, Crisis Negotiation Unit. In an article published in July 1990, titled *Confronting the Terrorist Hostage Taker*, by G. Dwayne Fuselier and Gary W. Noesner, both of the FBI Critical Incident Response Group in Quantico, Virginia, a plausible argument was made that the crisis management approach for such incidents would be no different than that of a typical criminal hostage situation.¹ In the last several years, however, multiple incidents have occurred where law enforcement has been drawn into armed confrontations with criminal extremists when hostages have not been involved. These incidents include standoffs, often resulting from criminal behavior, where officers have been killed or wounded, and the only participants have been family members and/or other individuals sharing similar extremist beliefs. One of the most notable is an 81-day standoff with a group known as the “Freemen,” which occurred in 1996 in Jordan, Montana. This case was successfully resolved as a result of some excellent work by the FBI and state and local law enforcement. The “Freemen” case also demonstrated that such incidents could be resolved through negotiation; however, the process can not only be lengthy, but can also present a major challenge for administrators, negotiators, and tactical commanders.

As pointed out in the previously referenced article, the circumstances surrounding terrorist incidents, including hostage-taking incidents, offer a variety of extenuating circumstances not commonly encountered in typical hostage situations. Oftentimes, such incidents receive intense media attention and additional scrutiny from law enforcement administrators and political leaders. It is the belief of many that, for the foreseeable future, terrorism and criminal extremism incidents will continue to be a major concern to law enforcement agencies nationwide.

It is with this understanding that a group of experienced negotiators, negotiation commanders, investigators, and others involved in investigating extremist behavior were asked to re-examine the issue of whether or not a different strategy is needed when confronting barricaded and armed domestic terrorists and criminal extremists. After a brief overview of terrorism and criminal extremism, the 17 carefully selected participants were divided into three working groups. Two of the groups were assigned specific questions for discussion and recommendation, while the third group was asked to explore a current standoff situation and offer suggestions and/or recommendations for resolution. The questions posed to two of the groups included items such as the following:

- When dealing with extremists, is the process more negotiation or conflict resolution?
- What strategies should be attempted if there are no substantive demands made by the group and/or individual?
- What use, if any, could psychological profiles have in the resolution of an extremist standoff situation?
• What aspects of the behavioral continuum would change when dealing with extremists?
• Should negotiators engage in an ideological discussion with the subject?
• If subjects hold conspiracy beliefs, should the negotiation team attempt to debunk such beliefs?
• Are third party intermediaries useful in attempting to negotiate with people holding extremist beliefs, and, if so, what is the best way to determine the appropriate third party intermediary?
• What advice should a negotiator give an on-scene commander when addressing an extremist confrontation that may be different than the traditional standoff situation?

Participants were also encouraged to call on their expertise and experience to raise and address any additional subjects or topics they felt would add to the body of knowledge on this critical subject. Each group then deliberated and discussed these and other issues and presented their findings to all members convened. During the presentations, additional discussion ensued and, while there were slight differences of opinion among the participants, overall feelings concerning the issues did receive consensus.

There were several overall observations proffered by the participants that warrant consideration when considering a negotiation strategy. Much of what is believed about terrorist conduct is derived by fictional media representation, rather than fact. While it is important to recognize that the incident is, in fact, related to either a terrorist or extremist ideology, such revelations, while they may influence the negotiation process, have little applicability to the method in which the negotiation team attempts resolution. Such circumstances demonstrate that there is, and probably should be, a distinction made between the overall negotiation process and the actual negotiations conducted between the negotiator and the subject. The overall negotiation process includes virtually anything that can impact the situation and the successful resolution thereof. Impacts such as media attention, publicity, interaction between responding agencies, intelligence gathering and analysis, logistics, and tactical response may all affect the negotiation process, but have little impact on the actual negotiation dialogue between the negotiator and the subject.

Negotiators are, in fact, trained to deal with individuals in a variety of situations, and the fact that a person may hold terrorist/extremist ideologies does not particularly alter the approach a trained negotiation team would normally employ. While others may label the subject, such labeling is meaningless, subjective, and can, in fact, be detrimental. Labels can be useful in differentiating some affiliations and shared beliefs, but negotiators are trained to concentrate on and assess the subject’s behavior, irrespective of labels that may be employed. Attempting to identify a rigid profile of a subject involved in a confrontation, based on assumptions, generally serves no real value to the negotiator. This is not to be confused with the fact that it always helps if the negotiation team has hard or soft intelligence concerning the subject’s past history and behavior. It is not important for the negotiation team to have a thorough understanding of the subject’s ideology, and, in most cases, such an understanding may prove detrimental. Sound intelligence, on the other hand, will assist the negotiation team in understanding if the person is a member of a group or organization, how the organization is structured, how leadership is assigned, and how individuals with similar ideologies have reacted in past situations. One of the key tools of the
professional negotiator is “active listening.” By employing this tactic, the negotiator would provide the subjects with an opportunity to explain their ideologies, motivations, and expected outcomes.

Negotiators are trained that there is a difference between hostage and non-hostage situations. Non-hostage situations often include the need by the subject for expressive ventilation. By employing active listening skills, the negotiator can buy time, which may be used for the subject to cool off and think more rationally. Additionally, the negotiator can project an understanding of the problem, employ non-threatening and non-judgmental responses, demonstrate good faith by building rapport, and introduce non-violent, problem-solving alternatives, while attempting to return the subject to more rational thinking. The focus group participants found very little difference between negotiation and conflict resolution, as both are designed and intended to provide mediation of a conflict between two parties. Such a process needs to occur regardless of the circumstances that escalated the incident to a standoff situation. In many extremist confrontations, the first question to be addressed is whether law enforcement presence or intervention will escalate the incident. It should be noted that there are cases when the subjects must be contained and, in such cases, law enforcement has no option but to engage the suspects, regardless of other considerations. In some extremist situations, such as warrant service concerning an extremist fugitive, law enforcement determining the time and place for an eventual confrontation is the advisable course of action so that sufficient intelligence can be generated prior to the confrontation. This may provide law enforcement with alternatives to confrontation or, at least, allow a planning process in advance that may mitigate the confrontation when it does occur. Oftentimes, however, a crime of violence has occurred or is threatened, and retreat by law enforcement officers attempting to avoid a confrontation may, in fact, bolster the resolve of the extremists involved.

A subject of considerable discussion among the participants was what effect, if any, should a subject’s ideologies have in the negotiation process. A parallel issue was whether or not the negotiation team should attempt to dissuade the subject from strongly held ideological beliefs. In this situation, a negotiator is faced with a particular challenge. To be successful, the negotiation team must portray an image of concern for the subject and show a desire to assist the subject in preventing further destructive behavior. This task is complicated by the fact that many extremist individuals hold strong, antigovernment ideologies and, in fact, may often view law enforcement as part of a conspiracy. While such circumstances post additional problems, they should not significantly alter the negotiator’s response to the subject.

The participants believed that it would not be advantageous to engage the subject in an ideological discussion, except as necessary for the subject to explain the motive for his behavior. It would be of no value, and, in fact, may oftentimes be detrimental, for the negotiator to try to dissuade the subject from his beliefs, regardless of how bizarre the beliefs may be. Some participants felt that by allowing the subject to explain his belief systems, the negotiator could, in fact, enhance his credibility as an independent arbitrator. While many extremists hold strong religious beliefs, participants recommended the negotiator not engage in a biblical debate or discussion concerning those beliefs. Most times, the negotiator does not have the background to engage in such a discussion, and it was felt that limited positive objectives could be accomplished by engaging in such discussions. This is not to suggest, however, that subject-
matter experts would not be useful in assisting the negotiator in building an understanding and may, in fact, be able to provide the background necessary to enhance the negotiator’s credibility.

The potential use of a third party intermediary (TPI) was also the subject of considerable discussion. If a subject cannot be persuaded that law enforcement is not the enemy, it may be necessary, under limited circumstances, to employ TPIs. Should that become necessary, consideration should be given to ensure that the TPI is not introduced too early in the negotiation process and that the TPI is carefully selected. If TPIs are used, the relationship needs to be carefully orchestrated, closely supervised, and monitored by the on-scene commanders and the negotiation team. TPIs should be selected only after concurrence with the on-scene commander, tactical commander, and negotiations commander, and care should be given to answering the following questions:

- Who is asking for the TPI?
- What are the relationship and dynamics between the TPI and the subject?
- Is the TPI willing to follow the directions of the negotiation team?
- How likely is a successful negotiation without the use of a TPI?

Under any circumstances, it must be remembered that TPIs are not independent mediators, but rather they need to act under the direction, guidance, and control of the negotiation team and on-scene commander.

Another area of concern when confronting barricaded extremist individuals is the possibility that an underlying motive may be to become a martyr for their cause. Should the negotiation team encounter such an individual, additional tactics and strategies may be useful. Today’s extremists utilize various communication methods to solicit support and attention to their situation. The Internet, short-wave radio, fax networks, and telephone trees have all been used in past confrontations to communicate and solicit support. In one case, a person holding extremist views called a “patriot” short-wave radio broadcaster, who then put out a call for assistance, resulting in supporters from several states converging on the location to “assist” the suspect in fending off the “enemy,” which, in this case, was federal and state law enforcement officers attempting to serve an arrest warrant. When addressing barricaded extremist suspects, law enforcement must be aware of such tactics and gather intelligence that will aid in monitoring such situations.

The negotiation team must also be aware of this tactic as it could aid in providing the suspect with, not only more resolve, but also a stage on which to become a martyr. The group suggested reminding the suspects how they may be portrayed in the media if they engage in self-destructive behavior and how self-destructive behavior may damage their cause. Further, suggest that they need to use their notoriety (perceived, in most cases) to further advance their group, organization, or cause. With the other members of “triad” (Incident Command, Tactical Team, and Crises Negotiation Team), strategize options using the recruitment of supporters and media attention to the advantage of law enforcement in resolving the situation.

In several recent standoff situations involving criminal extremists, the situations have been complicated because the incidents involved a number of individuals under a strong-willed or
charismatic leader. Such incidents often present a special challenge for the negotiation team. An assessment of the identified leader’s power and control over others may often prove difficult to quantify. The negotiation team must then attempt to make an assessment, based on the leader’s writings and statements and whatever intelligence information may be available about his goals, objectives, and self-perception. Depending on the ideological beliefs of the group, followers may believe the leader has special powers or divine insights. Given such a situation, it may be important for the negotiator to deal with the leader directly. If the subject is resistant to suggestion, the negotiation team may need to attempt to empower another member of the group, which could prove difficult. If it is not possible to empower another person, the negotiation team may need to spend additional time assessing the power dynamics within the group. If it is not possible to shift that power to someone more susceptible to suggestion, the negotiation team may be required to identify others with whom they can attempt communication.

Such was the case with the standoff involving the Branch Davidians in Waco, Texas. David Koresh was the clearly identified leader, while others were allowed to speak with law enforcement, Koresh remained the only decision-maker and his control over others in the compound was unequivocal. If there are multiple subjects and one is identified as the leader, the negotiation team will need to carefully consider all intelligence information available, plan strategies to communicate effectively with the identified leader, and formulate options for alternative avenues for resolution, should they prove necessary.

One key point that surfaced during the discussions was that there is a distinction between “negotiations” and the “negotiations process.” Trained negotiators are, for the most part, experienced in dealing with all types of individuals in a variety of situations. The fact that a person is a terrorist/extremist does not particularly alter the approach a skilled negotiator would employ; however, the negotiation process would vary when encountering a person or group with extremist beliefs and/or ideologies. Terrorists/extremists are people with a cause and a message they wish to convey. Such a fact can work both for and against the negotiator. Unlike typical traditional criminal situations, negotiations with extremist individuals often have several distinctive characteristics that may not have a direct impact on the negotiations but certainly impact the negotiation process. The incident “triad” leaders must work cooperatively, with a thorough understanding of the totality of issues, toward the prospect of a successful resolution. Process factors include increased media scrutiny and the enhanced need for effective intelligence information—the prospect of a protracted situation, the possibility of outside suspect support groups surfacing, the additional logistics, the need for relief teams, and the interaction and assistance of multiple agencies. If not educated, administrators who do not fully appreciate the influence of these additional factors could hamper a successful negotiation involving an extremist individual. Just like in negotiations with typical criminals, on-scene commanders should frequently bring together the triad leadership in order to establish or reaffirm the policy and direction, ensure compliance with the overall strategy, and guard against sending mixed signals to the media, suspect(s), and outside observers.

While the actual negotiation skills used against terrorists/criminal extremists do not markedly vary from similar encounters with traditional criminals, the negotiations process may present some additional challenges. Such challenges include, but are not limited to: high profile media attention, involvement by political figures, multiagency operations, unsolicited advice from
so-called experts, and large numbers of personnel working in shifts. As with any complicated, non-traditional criminal event, effective communications with all responding resource commanders are critical to maximize effectiveness and minimize the possibility of danger to all involved, including suspects. Key issues identified by the subject-matter experts brought together to discuss this topic include the following:

- **Buy time**—extremist standoffs can, and have, lasted for weeks and months.
- **Use active listening skills**—most extremists have a message they wish aired. The cheapest concession we can make is to listen.
- **Enhance intelligence-gathering capabilities**—the more that is known about the subject(s), the better.
- **Focus on behaviors and communication based on the situation as presented**—people do not necessarily behave in accordance with defined characteristics.
- **Avoid confronting the suspect(s) about their fundamental core beliefs**—this is not to suggest that you do not let them explain their beliefs, only that you do not attempt to persuade them that their beliefs are ludicrous.
- **Avoid focusing on typologies or profiles**—this may restrict a negotiation team’s flexibility and creative thinking.
- **Avoid labeling suspect(s)**—this is of little value in determining strategy and, in most cases, will only limit thoughtful analysis.
- **Consider that cultural/political issues may enter into the process**—particularly if the subjects are international.
- **Determine if behavioral consultation may be useful**—avoid letting the “experts” influence the way negotiations are conducted.
- **Choreograph a strategy and response with the incident command staff**—only the negotiation team can assess the use of certain techniques; avoid environmental manipulation as it thwarts rapport building.
- **Exercise caution when considering the use of third party intermediaries**—if they need to be used, they should be carefully selected, tightly orchestrated, and not introduced too early in the process.
- **Avoid exposed, face-to-face negotiation**—if all other approaches fail, such an approach may be necessary, but only in tightly controlled conditions.
- **Discuss key strategic decisions with the “triad.”**
- **Coordinate press releases with the negotiation team**—a misstatement can complicate, if not undermine, negotiations.
- **Avoid manipulation or anxiety techniques**—terrorists/criminal extremists are usually ego-driven and such an approach may prove counterproductive.
- **Obtain more training on group dynamics.**
- **Consider it a higher threat level due to the potential presence of more powerful weapons and explosives.**
- **Counter efforts by politicians and superiors to force “experts” into the process.**
- **Avoid allowing tactical personnel to dominate the situation, including avoiding “shows of force”**—this may complicate the process and reinforce the belief that law enforcement agencies are only interested in force.
“We have the place surrounded; now what?” If the standoff involves persons, individuals, or groups with extremist ideologies, the same rules and procedures used for typical barricaded criminals apply. The idea is to contain the suspect(s), to establish a perimeter, to set up a command post, and to call the department’s Crises Negotiation Team and tactical team. While the process may change and the circumstances may vary, this tried and proven approach offers the best alternative to address such situations. Negotiators are trained to deal with individuals under stressful circumstances, and commanders should continue to rely on the negotiation team when addressing terrorists/criminal extremist individuals. While there may be additional pressure (caused by enhanced media attention) and the time frame for resolution may increase, tried, proven, and effective procedures should not be compromised.

It is obvious that more detail could be added and additional issues could be interjected in the discussions. This paper was written under the assumption that most readers would already be familiar with commonly accepted crisis-negotiation practices. The potential dangers presented by barricaded terrorists/criminal extremists can be deadly, as has been demonstrated in several such confrontations. They should not be minimized, nor should such cases be considered routine. While the motivations may be different and ideologies may present complications, established and tested crises-negotiation procedures have and will prove to be the most effective method of addressing this growing law enforcement concern.

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3 Ibid.
# Acknowledgment

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## Focus Group Participants

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<th>Name</th>
<th>Agency/Position</th>
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