



# “LOSING CASES” – PREPARING FOR TRAGIC OUTCOMES

BY WILLIAM KIDD

**M**any of us have dealt with “the one we lost,” the incident in which a subject, after having been engaged in negotiations for minutes or hours, commits suicide or is killed by justified use of force.

I suspect that the concept of negotiators “losing” a subject or an incident is one that was hung on us by those who never really bought into the wisdom or effectiveness of crisis negotiations. It reflects a “See, we told you that stuff doesn’t really work anyhow” mentality. It also comes in handy for the empathy-challenged police officer who finds it humorous to dump on you after you’ve just been kicked in the gut by a bad outcome, like the vengeful, estranged husband who barricades then kills his two kids and himself. Incident debriefs over the years

have been laced with disrespectful or condescending comments.

One new negotiator identified a fundamental truth about negotiations that I think many experienced negotiators have forgotten, or perhaps never fully processed or understood. His insight came about during a discussion of an incident in which three crisis negotiations teams from separate agencies tried for more than 30 hours to dissuade a suicidal, barricaded suspect from killing himself. The subject broke off contact and committed suicide during negotiations by the third team.

After the incident ended, a negotiator from one of the other agencies remarked that while the initial two agencies kept the subject alive, the third flubbed the negotiations and lost

the subject. Whether made seriously or in jest, many negotiators were deeply offended and others greatly angered by the comment. In contrast, some of the negotiators on the third team themselves referred to the outcome as a “loss,” and noted that “this was the first time we ever lost one,” a phrase we hear all too often.

As various negotiators pointed out the offensiveness of such statements, our novice stated, “What else can you do (with a suicidal subject on the phone)? You don’t have control.”

I suspect that many negotiators, both veterans and novices, do not process that negotiations are simply *verbal* efforts to persuade, influence and manipulate. They are not eyes-on fire control or hands-on physical control techniques. Even deadly force or

physical control techniques don't work perfectly all the time — why should verbal influence be expected to be any more effective?

Because negotiators and their agencies typically lack direct leverage over a subject, we are sometimes powerless to coerce compliance. We know negotiations are to develop a relationship with which we can influence a subject, and are used either because negotiations are preferable in a specific case, or because there are no other, more dynamic options. However, subjects (with some exceptions) are still usually able to exercise free will or emotionally unsound aggression. If they opt to engage in self-destructive or aggressive action, they are usually free to do so, and it may simply be impossible for us to stop their killing acts or suicide.

Understandably, if this happens despite our best efforts, we will likely feel some degree of loss. We did not become law enforcement officers to stand by as witnesses while individuals kill others or themselves. And when a perpetrator takes the life or lives of innocents, especially children, there is no stopping that full-force karate kick to our gut. In nearly 40 years in law enforcement, I have never met an officer who can withstand that and just walk away like nothing really happened and not suffer any consequences. We all know of officers who, when required to use deadly force, sometimes even heroically, are so negatively impacted that they go on to leave law enforcement forever.

But even experienced teams and negotiators are inclined to blame themselves when subjects opt for death

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after the agency has invested time, energy and resources to preserve life. A few years ago, negotiators from an agency in the Pacific Northwest, whose team had been in operation for about 20 years, reported that the suicide of a hostage-taker with whom they had been negotiating struck them very hard, and they lamented the fact that this was the first time they had this type of outcome. In their own words, it was “the first time we had lost one.”

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Why do some of us dislike the reference to “losing” cases? The issue is more than simply one of semantics. Because individuals and agencies can face severe emotional and/or legal repercussions resulting from perceiving an incident as a loss, it is clearly preferable to avoid spreading blame around whenever a tragic loss of human life occurs.

Some specific strategies to avoid this follow:

- Negotiators and their leaders need to be cognizant of experiences in other jurisdictions and realize that unfortunate outcomes can happen to any of us. Some teams fall into the trap of thinking that because they may be appropriately confident in their negotiation skills, they would have inspired a better outcome or an incident that ends in the subject’s death would not happen to them. Perhaps, but perhaps not. A can-do attitude is admirable as long as it does not become self-deceptive.

- Negotiators should discuss these types of events in training and practice scenarios which depict suicidal subjects. However, because we believe training should always be positive and affirmative to obtain the best outcomes in real situations, we recommend against having role players act out the completion of suicide while the negotiator is engaged with the subject during practice scenarios.

Experienced users of role play know that willingly or not, some participants will genuinely “get into” the role. I have seen a negotiator at least temporarily devastated by this kind of mock outcome. In that situation, a mental health professional roleplaying as the suspect arbitrarily decided to commit suicide while on the phone with the negotiator so the negotiator could learn from the experience. I shudder to think what the negotiator “learned.”

I would also assert that since it is impossible to know with certainty

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what a subject who commits suicide was thinking just prior to and at the moment of the self-destructive act, we cannot accurately and appropriately reenact it. To have a role player act out a suicide during a negotiator’s attempt to intervene leaves the negotiator in that training with the experience that nothing he or she said or did was effective. This could very well be the absolutely incorrect lesson, and it is impossible to prove that’s the case. The general demeanor, tone, wording, inflection, sincerity and timing used by the negotiator may be quite successful 99 percent of the time. It is practically impossible to conclude in any case when and if it was not successful due to a host of other possible factors.<sup>1</sup>

- While recognizing the potential hazards discussed above, if a team is training often and practicing at a high level of effectiveness, the confidence and ability developed by both individuals and teams can go a long way toward offsetting the trauma of this kind of setback. Negotiators and team leaders need to ensure that they are actively attempting to achieve high performance standards, while recognizing the constant potential for suicide. And those leaders should be reminding their negotiators of the points articulated here.

- Teams should have a protocol in place for consulting a mental health professional, an employee assistance program or a competent peer counseling program. It should go without saying that if a team has no such arrangement and negotiators experience a completed suicide in this context, some type of emotional

assessment must be made immediately available to them. It is a shameful fact that some agency leaders are still abysmally negligent about this. The preferred standard would be to have such a capability on a pre-planned, established basis.

- Lastly, we encourage all negotiators, as well as command and tactical personnel, to recognize that we all have limitations, even those of us who are competitive, high-performance-driven, type-A individuals. The tragic and surreal acts of those who wish to inflict maximum pain on any human target at hand is rarely subject to our effective control. We need to be mentally prepared to assertively deny such individuals the ability to impact us in that manner.

The work you have done and must be prepared to do is far too valuable a gift to your community for you or your team to have to pay the price of psychotically generated abuse by

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demented perpetrators, misguided criticism from peers or unjustified self-doubts we create by unrealistic expectations. ■

#### ENDNOTE

1. Anecdotal reports of suicide interventions are available from "Negotiation Models in Crisis Situations: The Value of a Communications Based Approach," Dynamic Processes of Crisis Negotiations, Ed. Hammer, Mitchell; Rogan, Randall; and Van Zandt, Clinton R. Westport, CT: Praeger, 1997. 9-23.

#### ABOUT THE AUTHOR

**William Kidd** is a founding member of the San Francisco PD Hostage Negotiations Team and retired from the agency as an inspector/sergeant after 35 years of service. He subsequently served as a courtroom deputy and crisis negotiator with the Sonoma County Sheriff's Office until 2013.

A POST-certified Basic Course and Institute for Criminal Investigation instructor, Sgt. Kidd has been a police trainer since 1976 in domestic violence, hostage negotiations and sexual assault investigation. He is a negotiations instructor for POST's Domestic Violence for Crisis Negotiators course and is a past president of the California Association of Hostage Negotiators (CAHN).

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