



UNIVERSITY OF
GLOUCESTERSHIRE

This is a peer-reviewed, final published version of the following document, © 2022 Cardozo Journal of Conflict Resolution. All Rights Reserved. The Version of Record can be shared according to the publisher's republication agreement. and is licensed under All Rights Reserved license:

Thompson, Jeff, Grubb, Amy R ORCID: 0000-0003-2918-6534, Ebner, Noam, Chirico, Alice and Pizzolante, Marta (2022) Increasing crisis hostage negotiator effectiveness: Embracing awe and other resilience practices. Cardozo Journal of Conflict Resolution, 23 (3). pp. 615-685.

Official URL:

https://static1.squarespace.com/static/60a5863870f56068b0f097cd/t/62c5bb989716c4185529716a/1657125784611/CAC309_crop.pdf

EPrint URI: <https://eprints.glos.ac.uk/id/eprint/12084>

Disclaimer

The University of Gloucestershire has obtained warranties from all depositors as to their title in the material deposited and as to their right to deposit such material.

The University of Gloucestershire makes no representation or warranties of commercial utility, title, or fitness for a particular purpose or any other warranty, express or implied in respect of any material deposited.

The University of Gloucestershire makes no representation that the use of the materials will not infringe any patent, copyright, trademark or other property or proprietary rights.

The University of Gloucestershire accepts no liability for any infringement of intellectual property rights in any material deposited but will remove such material from public view pending investigation in the event of an allegation of any such infringement.

PLEASE SCROLL DOWN FOR TEXT.

INCREASING CRISIS HOSTAGE NEGOTIATOR EFFECTIVENESS: EMBRACING AWE AND OTHER RESILIENCE PRACTICES

*Jeff Thompson, Amy R. Grubb, Noam Ebner, Alice Chirico, and Marta Pizzolante**

ABSTRACT

Crisis and hostage negotiators are conflict resolution professionals who work toward peacefully resolving tense and possible volatile incidents. These law enforcement negotiators must possess comprehensive knowledge of the required skills and strategically deploy them to accomplish their goals. This exploratory Article examines the skills that make law enforcement negotiators effective and proposes how experiencing awe and a variety of other resilience practices can potentially enhance their abilities. The Article concludes by advocating that awe and other resilience practices can also benefit the greater conflict resolution community, including other types of negotiators and mediators.

I. INTRODUCTION

Law enforcement officers are conflict resolution professionals¹ who, compared to the general public, have greater rates of sleep

* Jeff Thompson, Ph.D., is an adjunct associate scientist in the Department of Psychiatry, Columbia University Medical Center, a 20-year veteran law enforcement detective, and a former hostage negotiator. Amy R. Grubb, Ph.D., is a Senior Lecturer in Forensic Psychology in the School of Psychology, University of Worcester and a HCPC Registered Forensic Psychologist. Noam Ebner is a Professor of Negotiation and Conflict Resolution, Department of Interdisciplinary Studies, Creighton University. Alice Chirico, Ph.D. is an Assistant Professor in the Department of Psychology, Catholic University of Milan. Marta Pizzolante is a Ph.D. student in the Department of Psychology, Catholic University of Milan. The authors are grateful to the editors and staff of the *Cardozo Journal of Conflict Resolution* for their insightful comments and support.

¹ Police agencies have long been known for their training, use, and promotion of conflict resolution-related skills as a set of tools when engaging the public (to build trust with the community, gain cooperation, de-escalate situations, and achieve voluntary compliance) and internally (peer support, mediation for workplace disputes, and leadership training). For example, an author of this Article, Jeff Thompson, has experience of nearly twenty years in law enforcement,

issues, alcohol and substance abuse, and other negative health sequelae.² Stress is inherently part of the broader policing profession and the greater profession of conflict resolution. This is especially the case with crisis hostage negotiators, who can experience this on a more acute level given that their work involves incidents that are intense and unpredictable, where life and death are at a delicate balance. Therefore, if stressors are present and there is a greater risk of various health illnesses, it is necessary that these professionals are knowledgeable of evidence-based resilience skills and that they engage in practices that can enhance their resilience.

This Article embraces the translational research approach by sharing evidence-based skills and practices for the specific purpose of supporting practitioners.³ The first section examines the requisite skills of conflict resolution professionals, and then, the next section examines the necessary skills and capabilities of effective law enforcement crisis and hostage negotiators, respectively.

Next, the evidence-based resilience skills and what research has demonstrated to be the benefits of practicing and possessing those skills are examined. The third section begins by detailing the profound impact that a specific resilience practice—experiencing awe—can have on supporting an individual’s resilience and mental health, and for crisis and hostage negotiators, increasing their abilities to conduct their work efficiently. Additional resilience skills that will be examined include (listed alphabetically): awareness, cognitive reappraisal, connectedness, controlled breathing, emotional acknowledgment and regulation, gratitude, meaning and purpose in life, physical health, realistic optimism and prospection, self-compassion, and self-efficacy.

which includes first-hand knowledge of the training that many recruits and police officers of varying ranks receive on an on-going basis, far exceeding many basic mediation trainings offered to the public. For another example, of many, see Tom Jackman, *Amid Rising Police Violence, New York City Police to Train Entire Force in De-Escalation*, WASH. POST (June 23, 2021, 4:22 PM), <https://www.washingtonpost.com/nation/2021/06/23/new-york-police-deescalate/> [<https://perma.cc/8H2G-Z3ZB>].

² For an overview of the mental health conditions and issues police face, see Jeff Thompson & Jacqueline M. Drew, *Warr;or21: A 21-Day Program to Enhance First Responder Resilience and Mental Health*, 11 *FRONTIERS PSYCH.* 2078 (2020).

³ Translational research is a health term adapted from the affiliation of Jeff Thompson, an author of this Article, where the Irving Institute of Clinical and Translational Research’s purpose is, throughout the entire research community at Columbia University Medical Center, “to advance discoveries, knowledge, and innovation to improve human health.” This approach has guided the paper: to identify the existing resilience literature and provide practical exercises to enhance the personal resilience and mental health of crisis and hostage negotiators, as well as other conflict resolution professionals.

Importantly, this section advances the translation research approach by establishing the nexus between these resilience skills with crisis and hostage negotiator skills. Specifically, the authors propose that crisis and hostage negotiators can enhance their negotiating skill abilities, as well as contribute to their wellbeing, by becoming proficient with the provided resilience skills. This is because of the direct impact and relevance that the established benefits of the resilience skills have on the crisis hostage negotiator skills.

In the fourth section, the translational methodology continues by providing practical resilience practices based on the existing research that crisis and hostage negotiators can utilize. These practices are provided in the context of crisis and hostage negotiation training, and the fifth section offers suggestions on how they can be applied by other conflict resolution professionals.

The final section concludes by cautioning that, although this Article aims to offer evidence-based resilience skills that can be practically implemented, it is also still exploratory. Thus, future qualitative and quantitative studies are needed in order to advance the relationship between resilience practices, such as experiencing awe, with the skills of effective law enforcement crisis and hostage negotiators, as well as other conflict resolution professionals.

II. CONFLICT RESOLUTION ROLES AND SKILLS

Law enforcement crisis hostage negotiators are members of a much wider-conflict resolution community of practitioners who all employ similar skills, yet must be able to adapt their approach based on their specific roles and the context of the situation. These conflict resolution roles are diverse from that of crisis and hostage negotiators who represent a law enforcement agency. These other conflict resolution roles include negotiating for oneself or on behalf of another individual or organization, mediating between conflicting parties (mediators), assisting individuals to navigate organizational conflict (ombuds), and more.⁴

This Article provides an in-depth discussion of the work and skill sets of crisis and hostage negotiators, in particular. To set this highly specialized area of activity into context, we first briefly re-

⁴ For a more expansive list and taxonomy of conflict roles, *see* BERNARD MAYER, *BEYOND NEUTRALITY* (2004).

view the broad areas of competency that have been found to be essential for effectiveness in conflict resolution and negotiation more generally. We will then discuss negotiator effectiveness as the most generalizable of these domains of competency, and mediation effectiveness as an example of how the importance and application of fundamental competency areas change with the role.

What makes for an effective negotiator? Without getting into the broader nature vs. nurture debate, some people seem to be “born with it.” And indeed—while long held to be layperson wisdom rather than established fact⁵—in playing the hand that nature and early development have dealt us, some people have personality traits that tend to bring them success with negotiation (or, certain forms of negotiation); others, less so.⁶ Beyond such inclinations, the notion that *anyone* can be more effective at negotiation, far beyond their early programming, natural orientations, and the like, is well-accepted. Through gaining knowledge, training, and reflective practice, we can all improve our negotiation effectiveness.⁷ This understanding serves as the basis for negotiation education programs in academia and industry, as well as for initiatives aiming to educate the public at large.⁸

Whether one is naturally wired for effectiveness, or has become proficient through deliberate improvement, what competencies combine to make a negotiator effective? It would be easy, at this point, to answer a question with a question: effective at *what*? This would lead us down a rabbit hole of articulating different negotiation frameworks, models, and worldviews.⁹ Sidestepping this, we suggest that, generally speaking, negotiators rely on a broad

⁵ LEIGH THOMPSON, *THE MIND AND HEART OF THE NEGOTIATOR* (5th ed. 2005).

⁶ Hillary Anger Elfenbein et al., *Who Makes an Effective Negotiator? A Personality-Theoretic Approach to a Longstanding Question*, SSRN 1, 37–39 (Oct. 9, 2017), <https://ssrn.com/abstract=3050185> [<https://perma.cc/37H7-J2Y9>].

⁷ See THOMPSON, *supra* note 5, at 9–11; Hal Movius, *The Effectiveness of Negotiation Training*, 24 *NEG. J.* 509, 526–27 (2008); see also Hillary Anger Elfenbein, *Individual Differences in Negotiation: A Nearly Abandoned Pursuit Revived*, 24 *CURRENT DIRECTIONS IN PSYCH. SCI.* 131, 134 (2015), <https://ssrn.com/abstract=2512404> [<https://perma.cc/EG8R-2SC2>] (noting that those personality characteristics that tend to affect negotiation effectiveness are the ones most open to intentional change).

⁸ For discussion of broadly-aimed initiatives, see Noam Ebner, *Teaching the World: Educational Pivots for the Second Half of the ADR Century*, 35 *OHIO STATE J. ON DISP. RESOL.* 825, 843–50 (2021).

⁹ For elaboration on this rabbit hole, see generally John Lande, *A Framework for Advancing Negotiation Theory: Implications from a Study of How Lawyers Reach Agreement in Pretrial Litigation*, 16 *CARDOZO J. CONFLICT RESOL.* 1 (2014); see also John Lande, *Taming the Jungle of Negotiation Theories*, in *THE NEGOTIATOR'S DESK REFERENCE* 87 (Chris Honeyman & Andrea Kupfer Schneider eds., 2017).

array of abilities for success. These include a mixture of knowledge (or understanding) and ability (or competency) in application, in several broad domains. The literature on negotiation typically highlights, *inter alia*, abilities from the following domains:

Analytical/Cognitive: Abilities for analyzing situations, mapping out stakeholders, considering objective criteria, assessing needs, and evaluating offers *vis a vis* alternatives,¹⁰ all while staying mindful and cautious of cognitive biases and their ability to impact the negotiator's decision-making.¹¹

Emotional: Abilities for identifying and coping with one's own emotions during the negotiation process,¹² avoiding emotional hijacking,¹³ and gauging their counterpart's emotional realm.¹⁴

Communicative: Abilities for eliciting and conveying information despite the challenges posed by a counterpart's natural tendencies¹⁵ or by the negotiator's dilemma,¹⁶ as well as for effectively communicating one's own information, demands, or interests.¹⁷ This domain includes abilities for navigating both verbal and nonverbal elements of communication.¹⁸

Empathic: Abilities that cut across the previous three domains, including understanding one's counterpart's cognitive perspec-

¹⁰ See generally ROGER FISHER & WILLIAM URY, *GETTING TO YES* (3rd ed. 2011).

¹¹ ROY J. LEWICKI, BRUCE BARRY, & DAVID M. SAUNDERS, *ESSENTIALS OF NEGOTIATION* 150–56 (6th ed. 2016).

¹² See generally ROGER FISHER & DAN SHAPIRO, *BEYOND REASON* (2005); SHIRLI KOPELMAN, *NEGOTIATING GENUINELY: BEING YOURSELF IN BUSINESS* 57 (2014); Robert S. Adler, Benson Rosen, & Elliot M. Silverstein, *Emotions in Negotiation: How to Manage Fear and Anger*, 14 *NEGOT. J.* 161, 161–63 (1998).

¹³ DANIEL GOLEMAN, *SOCIAL INTELLIGENCE* 15–32 (2006).

¹⁴ Andrea Kupfer Schneider & Noam Ebner, *Social Intuition*, in *THE NEGOTIATOR'S DESK REFERENCE* 127–42 (Chris Honeyman & Andrea Kupfer Schneider eds., 2017).

¹⁵ NOAM EBNER ET AL., *NEGOTIATION* 364–86 (2019).

¹⁶ DAVID A. LAX & JAMES K. SEBENIUS, *THE MANAGER AS NEGOTIATOR: BARGAINING FOR COOPERATION AND COMPETITIVE GAIN* 30–40 (1986).

¹⁷ See FISHER & URY, *supra* note 10. For further discussion of communication skills in support of constructive communication, see WILLIAM URY, *GETTING PAST NO* 76–104 (1991).

¹⁸ Jeff Thompson, Noam Ebner, & Jeff Giddings, *Nonverbal Communication in Negotiation*, in *THE NEGOTIATOR'S DESK REFERENCE* 449–69 (Chris Honeyman & Andrea Kupfer Schneider eds., 2017).

tive,¹⁹ accurately recognizing their emotional state,²⁰ and constructively communicating around these issues.²¹

Relational: Abilities for establishing and maintaining an in-the-moment connection with a counterpart,²² a more durable and ongoing working relationship with them²³ that is sufficient to support the task at hand,²⁴ as well as abilities for motivating them to participate, agree, and comply that go beyond the strict substance of the deal.²⁵ One particularly important ability in this domain is a negotiator's capacity for engendering their counterpart's trust in them.²⁶

¹⁹ Lauren A. Newell, *Rebooting Empathy for the Digital Generation Lawyer*, 34 OHIO STATE J. ON DISP. RESOL. 1, 36 (2019); Noam Ebner, *The Human Touch in ODR: Trust, Empathy and Social Intuition in Online Negotiation and Mediation*, ONLINE DISPUTE RESOLUTION: THEORY AND PRACTICE 73–136 (2nd ed. 2021). For detail on what might be included in “the other’s perspective,” see ROGER FISHER, ELIZABETH KOPELMAN, & ANDREA KUPFER SCHNEIDER, BEYOND MACHIAVELLI: TOOLS FOR COPING WITH CONFLICT 32–35 (1994).

²⁰ Newell, *supra* note 19, at 36–37; Ebner *supra* note 19, at 126.

²¹ See generally Newell, *supra* note 19; Ebner *supra* note 19, at 199–225; Rolf Wynn & Michael Wynn, *Empathy as an Interactionally Achieved Phenomenon in Psychotherapy: Characteristics of Some Conversational Resources*, 38 J. PRAGMATICS 1385, 1388–92 (2006).

²² This sense of in-sync-ness goes by various names, including bonding. RONALD M. SHAPIRO & MARK A. JANKOWSKI, THE POWER OF NICE (1998); see generally Aimee L. Drolet & Michael W. Morris, *Rapport in Conflict Resolution: Accounting for How Face-to-Face Contact Fosters Mutual Cooperation in Mixed-Motive Conflicts*, 36 J. EXPERIMENTAL SOC. PSYCH. 26 (1999). For more on rapport in negotiation, see generally Thompson, Ebner, & Giddings, *supra* note 18; Jeff Thompson, *Communication and the Skills of Effective Mediators: Developing Rapport, Building Trust, and Displaying Professionalism*, (Ph.D. Dissertation, Griffith Law School) (Apr. 2015), https://research-repository.griffith.edu.au/bitstream/handle/10072/367994/Thompson_2015_02Thesis.pdf?sequence=1 [<https://perma.cc/TL7A-HRGT>].

²³ FISHER & URY, *supra* note 10, at 22.

²⁴ For a discussion of the complexities of relationship in the negotiation context, see generally Noam Ebner & Adam Kamp, *Relationship 2.0*, in 2 RETHINKING NEGOTIATION TEACHING: VENTURING BEYOND THE CLASSROOM 371 (Christopher Honeyman, James Coben, & Giuseppe Di Palo eds., 2010), <https://deliverypdf.ssrn.com/delivery.php?ID=981008064022107024093091087094125087127032028046050025014118075088114087027097118022018060099009024042113101109117010005002009042051088034039092002111123120114095052060007095082105115125118072098011076099097088031109097073091110003017001121026090084&EXT=pdf&INDEX=TRUE> [<https://perma.cc/AY2G-LM4C>].

²⁵ For discussion of the different long and short-term purposes served by relationship in negotiation, see Rebecca Hollander-Blumoff, *Building Relationships as Negotiation Strategy*, in THE NEGOTIATOR’S DESK REFERENCE 295 (Chris Honeyman & Andrea K. Schneider eds., 2017).

²⁶ R.J. Lewicki & C. Wiethoff, *Trust, Trust Development and Trust Repair*, in THE HANDBOOK OF CONFLICT RESOLUTION: THEORY AND PRACTICE 92, 110 (M. Deutsch & P.T. Coleman eds., 2006); Noam Ebner, *ODR and Interpersonal Trust*, in ODR: THEORY & PRACTICE 203, 217–19 (M.S. Abdel Wahab, E. Katsh, & D. Rainey eds., 2014).

Of course, these are not the only domains negotiators draw upon in negotiation. While arguably less acclaimed in the literature as central to negotiation, negotiators rely on skills from the cultural,²⁷ socially intuitive,²⁸ and technological²⁹ domains, to name but a few. Indeed, this Article proposes that a previously unarticulated domain of knowledge and skills be added to the list.

Other conflict engagement practitioners rely on similar skill sets for success. The literature on mediation, whether explicitly or implicitly, largely internalizes the literature articulating the aforementioned domains of negotiator abilities, seeing them as necessary mediator abilities. Of course, abilities in each of these domains may be of greater or lesser importance while implementing a particular process model based on a mediation style or worldview.³⁰ For example, mediators practicing a highly evaluative mode of mediation would naturally rely more on abilities in the analytical/cognitive domain, and less on those from the relational domain. Mediators practicing transformative mediation might rely more on abilities rooted in the relational and communicative domains, and less on those originating in the analytical/cognitive domain.

While there may be some differences in degree or application, and no matter what one's mediation worldview is, abilities across all of the domains listed above as essential to effective negotiation contribute to mediator effectiveness. At the very least, they are certainly essential in the sense that mediators are generally tasked

²⁷ Michelle LeBaron, *Culture-Based Negotiation Styles*, BEYOND INTRACTABILITY (July 2003), https://www.beyondintractability.org/essay/culture_negotiation [<https://perma.cc/NL24-65RL>].

²⁸ See generally Schneider & Ebner, *supra* note 14.

²⁹ See generally Noam Ebner, *Negotiating with Information and Communication Technology in a Cross-Cultural World*, in THE PALGRAVE HANDBOOK OF CROSS-CULTURAL BUSINESS NEGOTIATION 91 (Mohammad A. Khan & Noam Ebner eds., 2019); Jean R. Sternlight & Jennifer K. Robbennolt, *In-Person or Via Technology?: Drawing on Psychology to Choose and Design Dispute Resolution Processes*, 71 DEPAUL L. REV. (forthcoming 2022); ANDREA KUPFER SCHNEIDER & SEAN A. MCCARTHY, HOLD THE PHONE: CHOOSING MODES OF COMMUNICATION, NEGOTIATION ESSENTIALS FOR LAWYERS (Andrea Kupfer Schneider & Chris Honeyman eds., 2019).

³⁰ For mediation's orientations or styles, see generally Leonard L. Riskin, *Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed*, 1 HARV. NEGOT. L. REV. 7 (1996); for discussion of mediator worldviews, see ROBERT A. BARUCH BUSH & JOSEPH P. FOLGER, THE PROMISE OF MEDIATION: THE TRANSFORMATIVE APPROACH TO CONFLICT, 297-99 (2005).

with healing parties' negotiation processes as one part of their job.³¹

Mediator effectiveness might rely on abilities from one domain or another to an extent that is somewhat different from their centrality to negotiator effectiveness. For example, while engendering trust in your counterpart is certainly an important ability as a negotiator,³² engendering parties' trust *in you* is the *most important* ability as a mediator.³³

Another issue to note is that mediators might apply competencies from these domains in manners different than negotiators, or to different ends. Some of these differences stem from the fundamentally dissimilar aims of the two roles. The mediator uses these competencies not "against" or "with" the other parties in the negotiation sense of the terms, but rather in order to assist the parties to negotiate with each other. So, for example, a mediator must not only be an effective communicator to convey and receive information, but also in order to help parties communicate effectively; in this sense, their own communicative practices set parties a real-time model.³⁴

III. THE EVOLUTION OF LAW ENFORCEMENT HOSTAGE AND CRISIS NEGOTIATION

Hostage and crisis negotiation is a mechanism used by law enforcement to help resolve a variety of potentially volatile critical incidents while reducing the potential risk of harm to the parties involved. Negotiation as a specific police tool or mechanism to resolve hostage taking or crisis incidents has existed since the 1970s, originating in the United States. The impetus for the development of police hostage negotiation is widely cited to have been the "Munich Massacre," which occurred at the 1972 Olympic Games.³⁵

³¹ See generally CHRISTOPHER MOORE, *THE MEDIATION PROCESS* (3rd ed. 2004). For an in-depth review of the literature of effective mediator skills, see generally Thompson, *supra* note 22.

³² See LEWICKI, BARRY, & SAUNDERS, *supra* note 11, at 83–85; Ebner, *supra* note 19, at 217–19.

³³ Stephen B. Goldberg, *The Secrets of Successful Mediators*, 21 NEGOT. J. 365, 372 (2005); see also Stephen B. Goldberg & Margaret L. Shaw, *The Secrets of Successful (and Unsuccessful) Mediators Continued: Studies Two and Three*, 23 NEGOT. J. 393, 414 (2007).

³⁴ See generally LAURENCE BOULLE, MICHAEL T. COLATRELLA JR., & ANTHONY PICCHIONI, *MEDIATION SKILLS AND TECHNIQUES* (2008).

³⁵ Amy Grubb, *Modern Day Hostage Negotiation: The Evolution of an Art Form Within the Policing Arena*, 15 AGGRESS. VIOLENT BEHAV. 341, 342 (2010).

During this incident, Palestinian terrorists invaded an Olympic dormitory and seized eleven Israeli athletes as hostages. The incident was met with force; once the terrorists' political demands had been refused, the Munich police resorted to firepower being exchanged with the terrorists. By the end of the incident, the terrorists killed a police officer and all eleven of the hostages, while ten of the terrorists were also killed.³⁶ This tragedy highlighted the distinct lack of police protocol or procedures to deal effectively with hostage-taking situations and catalyzed the development of hostage and crisis negotiation techniques.³⁷

In response to the poorly handled terrorist hostage-taking incident in Germany, and other high-profile events where innocent people were killed (such as the Attica Prison riots in New York in 1971), international law enforcement agencies collectively started to criticize the lack of effective crisis management techniques for hostage situations and began to explore new techniques that could be employed within such situations.³⁸ In particular, this work was led by the New York City Police Department ("NYPD") and the pioneering work of Detective Harvey Schlossberg and Lieutenant Frank Bolz, who developed an approach based on peaceful intervention through communication.³⁹ Schlossberg was uniquely placed to support this process due to his doctoral training in Clinical Psychology, which enabled him to draw upon psychological principles as a means of engaging in and de-escalating crisis situations without the need to use tactical force. Working in collaboration with Bolz, Schlossberg developed guidelines for hostage negotiation, based on the principles of containing the situation and negotiating until all avenues have been exhausted and/or the situation has been peacefully resolved.⁴⁰ Bolz and Schlossberg also developed a hostage recovery program, using psychological principles to underpin the techniques used to train NYPD officers.⁴¹

³⁶ David A. Soskis & Clinton R. Van Zandt, *Hostage Negotiation: Law Enforcement's Most Effective Nonlethal Weapon*, 4 BEHAV. SCI. LAW 423, 424 (1986).

³⁷ Grubb, *supra* note 35, at 342.

³⁸ Soskis & Van Zandt, *supra* note 36, at 424.

³⁹ Ole Andre Braten et al., *Hostage and Crisis Negotiation, Perspectives on an Interactive Process*, in COMMUNICATION IN INVESTIGATIVE AND LEGAL CONTEXTS: INTEGRATED APPROACHES FROM FORENSIC PSYCHOLOGY, LINGUISTICS AND LAW ENFORCEMENT 231, 236 (Gavin Oxburgh, Trond Mykleburst, Tim Grant, & Rebecca Milne eds., 2016).

⁴⁰ See generally Harvey Schlossberg, *Police Response to Hostage Situations*, in CRIME AND JUSTICE IN AMERICA: CRITICAL ISSUES FOR THE FUTURE 87 (1979).

⁴¹ See generally FRANK BOLZ & EDWARD HERSHEY, *HOSTAGE COP: THE STORY OF THE NEW YORK CITY POLICE HOSTAGE NEGOTIATING TEAM AND THE MAN WHO LEADS IT* (1st ed. 1980).

This program was first of its kind, recommending the use of hostage negotiation over and above tactical/forceful intervention,⁴² thereby influencing law enforcement to break from a tradition of force and firepower and lean toward dialogue to achieve peaceful resolution.

In 1973, the NYPD started using detectives trained as crisis/hostage negotiators in hostage and barricade incidents,⁴³ with the Federal Bureau of Investigation (“FBI”) going on to develop and implement its own hostage negotiation program a few years later.⁴⁴ Further developments led to the implementation of a “negotiate first” policy in the police response to both hostage-taking situations and perpetrators barricaded without hostages.⁴⁵ This policy equally led to the development of specialized hostage negotiation teams that included a designated c/h negotiator,⁴⁶ tactical assault team (“TAC”), command structure, and support personnel,⁴⁷ with the primary aim of such teams being to minimize and eliminate the loss of life when responding to hostage/crisis incidents.⁴⁸ Today, the majority of major city police departments, agencies, and forces have specialized crisis-response/negotiator teams based on the principles established by Schlossberg and Bolz,⁴⁹ and negotiation is well-established as the initial police response to critical incidents.

Since its inception in the early 1970s, hostage negotiation techniques have continued to be implemented by law enforcement agencies internationally, with the discipline evolving and becoming more advanced in line with enhanced academic understanding/research combined with learnings from operational negotiator experience. In more recent years, hostage negotiation as a practice has

⁴² Dawn Archer & Matt Todd, *Police Crisis Negotiation: An Assessment of Existing Models*, in THE ROUTLEDGE HANDBOOK OF FORENSIC LINGUISTICS 644, 645 (2nd ed. 2020).

⁴³ See generally BOLZ & HERSHEY, *supra* note 41; Harvey Schlossberg, *Values and Organization in Hostage and Crisis Negotiation Teams*, 347 ANN. N.Y. ACAD. SCI. 113 (1980).

⁴⁴ MITCHELL R. HAMMER, SAVING LIVES: THE S.A.F.E. MODEL FOR NEGOTIATING HOSTAGE AND CRISIS INCIDENTS 20 (2007); Soskis & Van Zandt, *supra* note 36, at 424.

⁴⁵ William M. Butler, Harold Leitenberg, & G. Dwayne Fuselier, *The Use of Mental Health Professional Consultants to Police Hostage Negotiation Teams*, 11 BEHAV. SCI. L. 213, 213 (citing 1979 study by F. Bolz).

⁴⁶ Hereinafter, law enforcement “crisis and hostage negotiators” will be referred to as “c/h negotiators.”

⁴⁷ Butler, Leitenberg, & Fuselier, *supra* note 45, at 213 (citing 1981 study by G. Fuselier).

⁴⁸ MICHAEL J. MCMAINS & WAYMAN C. MULLINS, CRISIS NEGOTIATIONS: MANAGING CRITICAL INCIDENTS AND HOSTAGE SITUATIONS IN LAW ENFORCEMENT AND CORRECTIONS (2nd ed. 2001).

⁴⁹ Michel St-Yves, Jeff Thompson, & Lynne Bibeau, *Communication as a Weapon for Resolving Hostage and Barricaded Situations*, in POLICE PSYCHOLOGY: NEW TRENDS IN FORENSIC PSYCHOLOGICAL SCIENCE 189, 189–90 (Paulo Marques & Mauro Paulino eds., 2022).

grown to encompass a wider remit of incidents, including incidents characterized by individuals experiencing a personal or mental health crisis, as opposed to hostage taking *per se*. The terminology adopted within the literature has equally evolved to reflect this, in line with the “second generation” of negotiations, whereby the emphasis moved away from responding to hijacking, terrorist acts, and politically motivated incidents, and toward emotionally disturbed individuals, trapped criminals, and domestic incidents.⁵⁰ The practice of police negotiation, therefore, tends to be referred to as crisis negotiation or crisis and hostage negotiation, to more accurately reflect the terrain navigated by contemporary police c/h negotiators.⁵¹

While negotiation was originally developed in response to a demand for techniques to help resolve hostage-taking incidents, the discipline is now used to respond to a plethora of critical incidents, ranging from kidnap and extortion to suicide intervention⁵². Research using c/h negotiator deployment data indicates that although c/h negotiators may respond to a variety of different categories of incidents, the majority of incidents involve responding to individuals in crisis who are threatening to harm themselves and/or displaying suicidal ideation/threats/attempts.⁵³ Research completed in 2011⁵⁴ reported that 59% of the incidents to which police c/h negotiators were deployed in Scotland between 2005 and 2008 involved a threat to the perpetrator’s life as a result of deliberate self-harm. Similarly, research conducted in England found that suicide/self-harm intervention was the most frequent deployment category for c/h negotiators and suicide threats were present in 51%

⁵⁰ Chris Hatcher et al., *The Role of the Psychologist in Crisis/Hostage Negotiations*, 16 BEHAV. SCI. & L. 455, 460 (1998).

⁵¹ Jeff Thompson, “Crisis” or “Hostage” Negotiation? *The Distinction Between Two Important Terms*, FBI L. ENF’T BULL. (Mar. 5, 2014), <https://leb.fbi.gov/articles/featured-articles/crisis-or-hostage-negotiation-the-distinction-between-two-important-terms> [https://perma.cc/9PGJ-8NNP].

⁵² Amy Rose Grubb et al., *From “Sad People on Bridges” to “Kidnap and Extortion”: Understanding the Nature and Situational Characteristics of Hostage and Crisis Negotiator Deployments*, 12 NEGOT. & CONFLICT MGMT. RSCH. 41, 43 (2018).

⁵³ Amy Rose Grubb, *Understanding the Prevalence and Situational Characteristics of Hostage and Crisis Negotiation in England: An Analysis of Pilot Data from the National Negotiator Deployment Database*, 35 J. POLICE & CRIM. PSYCH. 98, 103–04 (2020).

⁵⁴ David Alexander, *Hostage and Crisis Incidents: An Evidence-Based Analysis to Inform Police Negotiator Training Provision*, 6 SIPR RSCH. SUMMARY NO: 6 (March 2011), <https://www.sipr.ac.uk/wp-content/uploads/2021/10/HOSTAGE-AND-CRISIS-INCIDENTS-AN-EVIDENCE-BASED-ANALYSIS-TO-INFORM-POLICE-NEGOTIATOR-TRAINING-PROVISION.pdf> [https://perma.cc/8E34-99PZ].

of cases.⁵⁵ Qualitative research exploring the characteristics and situational contexts of c/h negotiator operational deployments equally concluded that most of the work completed by c/h negotiators in England involves responding to individuals in some form of personal, emotional, or psychological crisis, with negotiator day-to-day work (i.e., “bread and butter”) consisting of deploying to suicidal individuals.⁵⁶ These findings equally resonate with the U.S. data taken from the Hostage Barricade Database System (“HOBAS”) established by the Crisis Negotiation Unit of the Federal Bureau of Investigation (“CNU of FBI”), presenting a similar Anglo-American picture in relation to the nature and contextual backdrop of crisis negotiation work. For example, John J. Flood, an FBI Special Agent and Unit Chief of the FBI’s Crisis Negotiation Unit,⁵⁷ reported that 90% of critical incidents were non-hostage, crisis situations, while researcher Jeff Thompson reported that it was 96%.⁵⁸ Similar findings were reported by researchers Kris Mohandie and J. Reid Meloy,⁵⁹ who found that 77% of cases involved suicidal individuals; and Professor Randall G. Rogan⁶⁰ reported that suicides, attempted suicides, and barricaded standoffs accounted for nearly two-thirds of crisis negotiation incidents responded to by law enforcement.

Within modern day policing, crisis and hostage negotiation is conceptualized as one of the tactical options available to incident commanders when responding to critical incidents⁶¹. Today, the practice forms an important component of policing, with c/h negotiators serving a vital role in the safe resolution of both hostage-taking and crisis incidents.⁶² C/h negotiators perform an invaluable function within society by resolving hostage/crisis incidents, with

⁵⁵ Grubb, *supra* note 53, at 103–04.

⁵⁶ Grubb et al., *supra* note 52, at 56.

⁵⁷ Gregory M. Vecchi, Vincent B. Van Hasselt, & Stephen J. Romano, *Crisis (Hostage) Negotiation: Current Strategies and Issues in High-Risk Conflict Resolution*, 10 *AGGRESSION & VIOLENT BEHAV.* 533, 535 (2005) (citing 2003 study by J. J. Flood).

⁵⁸ Thompson, *supra* note 51, at ¶ 10.

⁵⁹ Kris Mohandie & J. Reid Meloy, *Hostage and Barricade Incidents Within an Officer-Involved Shooting Sample: Suicide by Cop, Intervention Efficacy, and Descriptive Characteristics*, 10 *J. POLICE CRISIS NEGOTS.* 101, 121 (2010).

⁶⁰ Randall G. Rogan, *Linguistic Style Matching in Crisis Negotiations: A Comparative Analysis of Suicidal and Surrender Outcomes*, 11 *J. POLICE CRISIS NEGOTS.* 20, 20 (2011).

⁶¹ See generally Amy Rose Grubb et al., *From Deployment to Debriefing: Introducing the D.I.A.M.O.N.D. Model of Hostage and Crisis Negotiation*, 22 *POLICE PRAC. & RSCH.* 953 (2021).

⁶² See generally Grubb, *supra* note 35; Amy Rose Grubb, *A Mixed-Methodological Analysis of Police Hostage and Crisis Negotiation in the United Kingdom (July 2016)* (Ph.D. dissertation, Coventry University), <https://doi.org/10.13140/RG.2.2.22287.79522> [<https://perma.cc/KTY3-9KRY>]; see generally Grubb, *supra* note 53.

the role helping to prevent numerous fatalities and forming an important part of the modern policing repertoire.⁶³ C/h negotiators respond to a variety of challenging and complex critical incidents whereby individuals are threatening to harm themselves or others,⁶⁴ and therefore often play a role in whether individuals live or die.⁶⁵ Over time, negotiation as a police tool has become well-established, with both anecdotal and empirical evidence attesting to its efficacy.⁶⁶

A. *Crisis and Hostage Negotiator Competencies and Qualities That Promote Effective Negotiation*

Police c/h negotiators may encounter an infinite number of varying situations during the performance of their role, which may range from dealing with an individual who is in crisis to negotiating with someone who has taken a person or persons hostage.⁶⁷ Although the scenarios encountered can exist in an inestimable number of permutations with the situational and personal characteristics of the subject demonstrating variety and uniqueness, the common denominator is that of the operational utilization of c/h negotiators by law enforcement agencies to resolve such critical incidents. The c/h negotiator acts as the cornerstone within critical incident management processes, creating the pivotal link between law enforcement and the “stronghold” (i.e., hostage taker(s)/individual-in-crisis). As such, c/h negotiators need to be able to respond effectively and efficiently within stressful and often

⁶³ Amy Rose Grubb et al., “There’s Nothing That Compares to it”: A Grounded Theoretical Analysis of the Experiences of Police Hostage and Crisis Negotiators, 30 INT’L. J. CONFLICT MGMT. 369, 369 (2019).

⁶⁴ See generally Grubb, *supra* note 35; see generally Grubb, *supra* note 53.

⁶⁵ Amy Rose Grubb et al., *The Self-Perceived Successful Hostage and Crisis Negotiator Profile: A Qualitative Assessment of Negotiator Competencies*, 20 POLICE PRAC. & RSCH. 321, 321 (2019).

⁶⁶ See generally Vecchi, Van Hasselt, & Romano, *supra* note 57; see generally Grubb, *supra* note 53; see generally McMains & Mullins, *supra* note 48; see generally Chuck Regini, *Crisis Negotiation Teams: Selection and Training*, FBI L. ENF’T BULL. 1, 1 (Nov. 2002); Randall R. Rogan, Mitchell R. Hammer, & Clinton Van Zandt, *Dynamic Processes of Crisis Negotiation: Theory, Research and Practice* (1997).

⁶⁷ Amy Rose Grubb, Sarah J. Brown, & Peter Hall, *The Emotionally Intelligent Officer? Exploring Decision-Making Style and Emotional Intelligence in Hostage and Crisis Negotiators and Non-Negotiator-Trained Police Officers*, 33 J. POLICE CRIM. PSYCH. 123, 123 (2018).

highly emotive environments,⁶⁸ drawing upon certain skill sets to de-escalate potentially life-threatening scenarios.

The question of what makes someone an effective c/h negotiator continues to be addressed academically; however, there is an increasing body of literature focusing on this topic. The extant literature points toward a combination of competencies (i.e., skills, behaviors, knowledge, and abilities) and qualities (i.e., attributes and characteristics) that may support effective c/h negotiator performance within the context of crisis and hostage negotiation settings. Different methodological approaches have been taken to address this question. Some researchers, for example, have adopted a psychological testing approach that attempts to identify specific personality and psychological characteristics using pre-established measures.⁶⁹ In contrast, others have adopted a practice-based, clinically orientated, anecdotal evidence approach, whereby the characteristics of effective c/h negotiators have been identified based on working directly with negotiation teams and observing their members.⁷⁰ Lastly, some researchers have adopted an approach that assesses the perceived competencies and qualities of successful c/h negotiators by using a self-reporting survey approach.⁷¹ While research demonstrates a plethora of competencies that may be relevant to crisis negotiation practices, and individual

⁶⁸ *Id.*

⁶⁹ See generally Scott W. Allen, Scott M. Fraser, & Robin Inwald, *Assessment of Personality Characteristics Related to Successful Hostage Negotiators and Their Resistance to Posttraumatic Stress Disorder*, in CRITICAL INCIDENTS IN POLICING REVISED 1 (James T. Reese, James M. Horn, & Christine Dunning eds., 1991); see Morris Gelbart, *Psychological, Personality and Biographical Variables Related to Success as a Hostage Negotiator* (Oct. 16, 1978) (Ph.D. dissertation, University of Southern California); Vesta S. Getty & Joseph D. Elam, *Identifying Characteristics of Hostage Negotiators, and Using Personality Data to Develop a Selection Model*, in POLICE PSYCHOLOGY: OPERATIONAL ASSISTANCE 159 (James T. Reese & James M. Horn eds., 1988); Amy Grubb, Sarah J. Brown, & Peter Hall, *Personality Traits and Coping Styles in UK Police Officers. Do Negotiators Differ from Their Non-Negotiator Colleagues?*, 21 PSYCH. CRIME L. 347 (2015); Grubb, Brown, & Hall, *supra* note 67; Matthew H. Logan, *What Facilitates or Hinders Successful Crisis Negotiation* (Sept. 2001) (Ph.D. dissertation, University of British Columbia) (citing 1998 study by Vakili, Gonzales, Allen, and Westwell); Andrew T. Young, *Police Hostage (Crisis) Negotiators in the US: A National Survey*, 31 J. POLICE CRIM. PSYCH. 310 (2016).

⁷⁰ See generally Russell C. Davis, *Three Prudent Considerations for Hostage Negotiators*, 35 L. & ORD. 54 (1987); Butler, Leitenberg, & Fuselier, *supra* note 45; MICHAEL J. McMains & WAYMAN C. MULLINS, *CRISIS NEGOTIATIONS: MANAGING CRITICAL INCIDENTS AND HOSTAGE SITUATIONS IN LAW ENFORCEMENT AND CORRECTIONS* (4th ed. 2010); ARTHUR A. SLATKIN, *COMMUNICATION IN CRISIS AND HOSTAGE NEGOTIATIONS* (2nd ed. 2010).

⁷¹ See generally Grubb, Brown, & Hall, *supra* note 67; see Kirsten E. Johnson et al., *Crisis (Hostage) Negotiators Weigh in: The Skills, Behaviors and Qualities That Characterize an Expert Crisis Negotiator*, 19 POLICE PRAC. & RSCH. 472 (2017); Regini, *supra* note 66.

studies have revealed different components, broadly speaking, when cross-referencing the findings from the extant literature on c/h negotiator competencies and qualities, the following categories appear most consistently and are the most highly corroborated.⁷²

i. Communication Skills

Communication skills have consistently been identified as vital to effective negotiation practice, with researchers and practitioners emphasizing the importance of both listening and verbal communication skills.⁷³ However, while the ability to verbally navigate complex and challenging scenarios is one component of crisis negotiation, and verbal fluency and expressiveness has been identified as an important skill,⁷⁴ it is well-established within the literature that c/h negotiators need to be not only effective verbal communicators, but also effective listeners.⁷⁵ Listening skills have been consistently identified as being important for effective negotiation.⁷⁶

Within more contemporary research and practice, the concept of active listening (“AL”) has been a primary focus, with AL skills being consistently and robustly identified throughout the literature as forming the key underpinning skill set within the c/h negotiator repertoire.⁷⁷ AL refers to a variety of enhanced listening techniques that can be used within crisis intervention practices to

⁷² For a full review and synthesis of this work, see generally Grubb, Brown, & Hall, *supra* note 67.

⁷³ MICHAEL J. McMains, WAYMAN C. MULLINS, & ANDREW T. YOUNG, CRISIS NEGOTIATIONS: MANAGING CRITICAL INCIDENTS AND HOSTAGE SITUATIONS IN LAW ENFORCEMENT AND CORRECTIONS 224 (6th ed. 2020).

⁷⁴ G. Wayne Fuselier, *A Practical Overview of Hostage Negotiations (Conclusion)*, 50 FBI L. ENF’T BULL. 10, 14 (1981); see generally Gelbart, *supra* note 69; see generally Getty & Elam, *supra* note 69; Grubb et al., *supra* note 65; Johnson et al., *supra* note 71, at 480; see generally Matthew H. Logan, What Facilitates or Hinders Successful Crisis Negotiation (Sept. 2001) (Ph.D. dissertation, University of British Columbia); CAROL A. IRELAND, MARTIN J. FISHER, & GREGORY M. VECCHI, CONFLICT AND CRISIS COMMUNICATIONS: PRINCIPLES AND PRACTICE 138–39 (2011) (citing 2002 study by C. Milner); SLATKIN, *supra* note 70, at 6.

⁷⁵ Johnson et al., *supra* note 71, at 12.

⁷⁶ Fuselier, *supra* note 74, at 14; Johnson et al., *supra* note 71, at 8; Grubb et al., *supra* note 65, at 334.

⁷⁷ Grubb et al., *supra* note 61, at 964; FREDERICK J. LANCELEY, ON-SCENE GUIDE FOR CRISIS NEGOTIATORS 18–27, 21 (1999); Laurence Miller, *Hostage Negotiation: Psychological Principles and Practices*, 7 INT’L J. EMERGENCY MENTAL HEALTH 277, 284, 284–86 (2005); Gary W. Noesner, *Negotiation Concepts for Commanders*, 68 FBI L. ENF’T BULL. 6, 8–9 (1999); see generally Gary W. Noesner & Mike Webster, *Crisis Intervention: Using Active Listening Skills in Negotiations*, 68 FBI L. ENF’T BULL. 13 (1997); Vecchi, Van Hasselt, & Romano, *supra* note 57, at 541.

demonstrate to the speaker that they are being heard and understood (a need which often features heavily within crisis situations).⁷⁸ AL skills have been conceptualized as forming the “bedrock of crisis intervention”⁷⁹ and a variety of skills have been discussed with reference to crisis negotiation practice.⁸⁰ The core skills consist of *mirroring*, *paraphrasing*, *emotion labeling*, and *summarizing*, and the supplementary skills consist of *effective pauses*, *minimal encouragers*, *open-ended questions*, and “I” messages.⁸¹

AL is thought to serve multiple purposes within crisis negotiation. Firstly, it enables the c/h negotiator to engage in dialogue with the subject to focus on their current experience and circumstances, which ultimately helps the c/h negotiator to engage in problem solving with the subject to help move toward a non-violent resolution.⁸² Secondly, AL serves the purpose of building trust and developing rapport with the subject, steps which are deemed to be vital precursors to a c/h negotiator’s ability to influence a subject’s behavior in a positive manner.⁸³ AL skills are, therefore, perceived as critical to developing a relationship between the c/h negotiator and subject, with this relationship acting as the mechanism by which successful peaceful resolution can be brought about through behavioral influence.⁸⁴ This mechanism features in multiple models of negotiation, including the Behavioral Change Stairway Model (“BCSM”);⁸⁵ the Behavioral Influence Stairway Model (“BISM”);⁸⁶ and the D.I.A.M.O.N.D. model of hostage and crisis negotiation,⁸⁷ thereby attesting to the ongoing relevance of AL within successful negotiation practices.

⁷⁸ Vecchi, Van Hasselt, & Romano, *supra* note 57, at 541.

⁷⁹ Gregory M. Vecchi, *Critical Incident Response, Management, and Resolution: Structure and Interaction in Barricaded Hostage, Barricaded Crisis, and Kidnapping Situations*, 7 INSIDE HOMELAND SEC. 7, 12 (2009).

⁸⁰ Noesner & Webster, *supra* note 77, at 16–18.

⁸¹ *Id.*

⁸² Noesner & Webster, *supra* note 77, at 18–19.

⁸³ Vecchi, Van Hasselt, & Romano, *supra* note 57, at 544–45.

⁸⁴ Grubb et al., *supra* note 65, at 334.

⁸⁵ Developed by the Crisis Negotiation Unit of the Federal Bureau of Investigation (“CNU of FBI”). For a description of the model, see Vecchi, Van Hasselt, & Romano, *supra* note 57.

⁸⁶ See Gregory M. Vecchi, *Conflict & Crisis Communication: The Behavioral Influence Stairway Model and Suicide Intervention*, 12 ANNALS AM. PSYCHOTHERAPY ASS’N 32 (2009).

⁸⁷ See generally Grubb, *supra* note 62; Grubb et al., *supra* note 61.

ii. Emotional Stability

Research has highlighted the relevance of (1) emotional self-control;⁸⁸ (2) cool-headedness;⁸⁹ (3) emotional maturity;⁹⁰ (4) an ability to remain calm, cool, and collected;⁹¹ (5) emotional stability;⁹² (6) emotional intelligence; and (7) being able to operate under pressure⁹³ as key qualities for c/h negotiators to possess. When situating these qualities within the context of a hostage or crisis negotiation setting, it is common-sensical to understand the importance of emotional stability when dealing with volatile situations, especially because the subject may be thinking irrationally and/or be highly emotional.

Within such settings, it is the role of the c/h negotiator to act as the counterbalance and to maintain a calm and consistent emotional disposition, regardless of how emotionally aroused the subject of the negotiation may become. The ability to regulate emotions is deemed to be an important quality for c/h negotiators to possess, in order to maintain objectivity throughout the negotiation process and to ensure that they do not become emotionally triggered by the subject. Such triggering could result in the c/h negotiator becoming distracted or being negatively influenced by the subject, thereby leading to a derailment of the negotiation in some instances.

iii. Empathic Ability

The ability to demonstrate empathy has been identified as a key skill for c/h negotiators to possess by various researchers.⁹⁴ Being empathic was explained as a key attribute within researcher Amy Grubb and her colleagues' self-perceived successful c/h negotiator profile,⁹⁵ and being empathetic was equally emphasized as

⁸⁸ Allen, Fraser, & Inwald, *supra* note 69, at 3; Regini, *supra* note 66, at 2.

⁸⁹ Davis, *supra* note 70, at 55.

⁹⁰ Fuselier, *supra* note 74, at 13.

⁹¹ See generally MCMAINS & MULLINS, *supra* note 70.

⁹² Johnson et al., *supra* note 71, at 9; M.A. Tatar, *The Police Personality and Desirable Qualities of Hostage Negotiators: An Investigation of Psychological Dimensions and Approaches to the Assessment of State Policemen Who Volunteer for Training as Hostage Negotiators* (1982) (Ph.D. dissertation, Syracuse University) (on file with the Syracuse University Library system).

⁹³ Amy Grubb & Sarah Brown, *Hostage (Crisis) Negotiation: The Potential Role of Negotiator Personality, Decision-Making Style, Coping Style and Emotional Intelligence on Negotiator Success*, 14 INT'L J. EMERGENCY MENTAL HEALTH 41 (2012); Grubb, Brown, & Hall, *supra* note 67, at 330; Grubb et al., *supra* note 65, at 46.

⁹⁴ Allen, Fraser, & Inwald, *supra* note 69, at 3; Davis, *supra* note 70, at 55; Grubb et al., *supra* note 65, at 14; Johnson et al., *supra* note 71, at 14.

⁹⁵ Grubb et al., *supra* note 65, at 329.

one of the top-five skills necessary for being a “good negotiator” within researcher Kirsten Johnson and her colleagues’ survey of c/h negotiators in 2017.⁹⁶ Demonstration of empathy has been conceptualized as a key part of the c/h negotiator repertoire and is often deemed as a necessary component to developing the quasi-therapeutic relationship (as within Grubb and colleague’s D.I.A.M.O.N.D. model⁹⁷) or developing rapport with the subject (as within the BCSM⁹⁸ and the BISM⁹⁹). It is the development of this relationship between the two parties (subject-negotiator) that provides a mechanism by which the c/h negotiator can exert influence over the subject and create behavioral change (in the form of peaceful surrender and successful resolution of the incident).¹⁰⁰

iv. Mental Agility

The ability to “think on your feet” and be mentally agile is considered to be a vital component within the negotiation process¹⁰¹ and is frequently mentioned within the literature as an important attribute for c/h negotiators to possess.¹⁰² This attribute has been conceptualized differentially as being a “quick thinker” and as having the ability to “think on your feet and maintain flexibility,”¹⁰³ as “dynamic thinking” ability,¹⁰⁴ and as the ability to think clearly and perform well under stressful situations.¹⁰⁵ Some researchers have identified “intelligence” as a desirable c/h negotiator characteristic;¹⁰⁶ however, more recent literature tends to move away from the concept of traditional intelligence and toward practical intelligence, dynamic thinking, adaptability, and mental agility. C/h negotiators need to be able to not only cognitively process the information being received effectively throughout a negotiation, but they also need to be able to adapt their negotiation strategy in order to match the situational context of the incident, tasks which require a certain level of mental agility to perform.¹⁰⁷

⁹⁶ Johnson et al., *supra* note 71, at 9.

⁹⁷ Grubb et al., *supra* note 61, at 964, 968–69.

⁹⁸ Vecchi, Van Hasselt, & Romano, *supra* note 57, at 541–42.

⁹⁹ Vecchi, *supra* note 79, at 12.

¹⁰⁰ Grubb et al., *supra* note 61, at 967; Vecchi, Van Hasselt, & Romano, *supra* note 57, at 545.

¹⁰¹ Grubb et al., *supra* note 65, at 333.

¹⁰² See generally Davis, *supra* note 70; McMains & Mullins, *supra* note 48, at 79.

¹⁰³ Johnson et al., *supra* note 71.

¹⁰⁴ Ireland, Fisher, & Vecchi, *supra* note 74, at 138–39.

¹⁰⁵ Fuselier, *supra* note 74, at 13.

¹⁰⁶ Allen, Fraser, & Inwald, *supra* note 69, at 3; see generally Davis, *supra* note 70; Gelbart, *supra* note 69, at 3.

¹⁰⁷ Grubb et al., *supra* note 65, at 333.

v. Adopting a Non-Judgmental and Compassionate Approach

The importance of being able to adopt a non-judgmental, caring, and compassionate approach has been highlighted across the research relating to c/h negotiator competencies. The ability to reserve judgment of the subject when engaging with them is thought to be key to building trust, encouraging dialogue, and helping to understand the reasons why the subject is in the position in which they are situated.¹⁰⁸ Being non-judgmental has been identified as one of the skills needed for c/h negotiators to be successful in their role,¹⁰⁹ a suggestion which is equally supported in earlier research.¹¹⁰ Extending this concept further, research also implicates the importance of adopting a compassionate and caring approach to the individuals involved in hostage taking/crisis incidents,¹¹¹ and the ability to express compassion or sympathy within negotiation contexts as key skills for effective c/h negotiators to possess.¹¹² C/h negotiators frequently encounter individuals who have experienced a form of personal, emotional, or psychological crisis, with research indicating that the vast majority of c/h negotiator deployments involve individuals who are in crisis and are threatening to harm themselves, as opposed to others.¹¹³ When contextualizing c/h negotiator interactions in this way, the importance of efficiently reaching out to a person in a crisis utilizing a non-judgmental, compassionate, and caring approach becomes apparent.

vi. Team-Working Skills/Ability

Negotiation is conceptualized as a team enterprise,¹¹⁴ with the success of the negotiation often being dependent upon effective teamworking and communication. The c/h negotiator deployment model requires multiple command, tactical, and negotiation teams to work together (as part of the resolution triad) to effectively resolve critical incidents.¹¹⁵ C/h negotiators equally deploy within their own teams, with members performing various roles (i.e., negotiation commander, team leader, primary negotiator, secondary

¹⁰⁸ Grubb et al., *supra* note 61, at 963–64, 968–69.

¹⁰⁹ Grubb et al., *supra* note 65, at 331; Johnson et al., *supra* note 71, at 480–81, 484.

¹¹⁰ Regini, *supra* note 66, at 2; SLATKIN, *supra* note 70, at 7.

¹¹¹ Grubb et al., *supra* note 65, at 329; IRELAND, FISHER, & VECCHI, *supra* note 74, at 138–39.

¹¹² Johnson et al., *supra* note 71, at 9.

¹¹³ Grubb, *supra* note 53, at 106, 108; Grubb et al., *supra* note 52, at 49–50.

¹¹⁴ Charles Bahn & Robert J. Loudon, *Hostage Negotiation as a Team Enterprise*, 23 GRP. 77 (1999).

¹¹⁵ Vecchi, *supra* note 79, at 9–10.

negotiator, tactical liaison officer, intelligence officer, etc.).¹¹⁶ Although negotiation is often portrayed within the media as being solely dependent on the often depicted “hero” solo c/h negotiator, the reality is very different, and success often depends on effective teamworking and duties performed by a team of individuals. Some researchers have suggested that c/h negotiators demonstrate a form of “symbiotic teamworking” with the primary c/h negotiator, secondary c/h negotiator, and c/h negotiator coordinator (or team leader), all needing to work effectively together to support a successful operation (much like the cogs in a machine).¹¹⁷ It is well established within operational deployment protocol that c/h negotiators should never negotiate alone (i.e., “solo”) and should always be deployed in teams.¹¹⁸ The team approach enables the primary c/h negotiator to feel supported and reduces the pressure experienced by c/h negotiators during what can be a highly stressful situation, while also allowing for multiple parties to support with problem-solving and negotiation strategy.¹¹⁹ In line with this deployment approach, it logically follows that c/h negotiators need to be able to work effectively as a member of a team (or be a team player) and this has been emphasized across the negotiation literature.¹²⁰

vii. Genuineness/Sincerity

The ability to come across as genuine and sincere has been identified as an important attribute for successful c/h negotiators to possess,¹²¹ with this attribute helping the c/h negotiator to develop trust with the subject. Within crisis negotiation contexts, trust is conceptualized as a weapon that can be used to influence the subject’s behavior in a positive manner, and it has been suggested that c/h negotiators need to be perceived as someone who is genuine, in order to instil trust within the subject.¹²² C/h negotiators who are able to demonstrate that they genuinely care about what happens

¹¹⁶ *Id.*

¹¹⁷ Grubb et al., *supra* note 65, at 335.

¹¹⁸ Fuselier, *supra* note 74, at 13.

¹¹⁹ Grubb et al., *supra* note 63, at 377; Amy R. Grubb et al., “*The More You Do, The More Comfortable You Feel*”: *Qualitatively Mapping the Police Hostage and Crisis Negotiator Journey*, *J. POLICE CRIM. PSYCHOL.* 195, 202, 204–05 (2021), <https://doi.org/10.1007/s11896-021-09486-3> [<https://perma.cc/NA6R-UXMK?type=image>].

¹²⁰ Grubb et al., *supra* note 65, at 335; Johnson et al., *supra* note 71, at 483; Logan, *supra* note 69, at 42.

¹²¹ SLATKIN, *supra* note 70, at 7.

¹²² Grubb et al., *supra* note 65, at 333; Grubb et al., *supra* note 61, at 969.

to the subject and that they want to help resolve the situation peacefully are more likely to build trust in the subject, leading to the development of rapport, which can then be used to positively influence the subject's behavior. At face value and placing yourself in the shoes of a hostage taker/person in crisis, it is logical to comprehend that you are more likely to listen to someone who comes across as genuine and sincere in their dialogue, as opposed to someone who presents in a less sincere way. Research conducted in the United Kingdom¹²³ has revealed genuineness as an attribute within the "successful c/h negotiator profile," and research in the United States¹²⁴ has equally highlighted "showing sincere concern for wellbeing" as an important behavior for c/h negotiators to engage in when communicating with a subject.

viii. Credibility and Trustworthiness

In a similar vein to being genuine, research also suggests that credibility and trustworthiness are equally important attributes for c/h negotiators to possess. Early work within the c/h negotiator arena reported that c/h negotiators should be able to easily establish credibility with others.¹²⁵ This concept has continued to be supported, with subsequent research referring to effective c/h negotiators as "trustful,"¹²⁶ demonstrating the importance of c/h negotiators being reliable¹²⁷ and using the term "professional integrity" to highlight a desired personality characteristic for c/h negotiators to possess.¹²⁸ Trustworthiness was also emphasized within the successful c/h negotiator profile developed by Grubb and colleagues.¹²⁹ Their work revealed that trustworthiness was perceived by c/h negotiator interviewees as a tool to enhance rapport building and development of the quasi-therapeutic alliance between the c/h negotiator and the subject, which contributes to the likelihood of successful resolution.¹³⁰

ix. Flexibility, Adaptability, and Versatility

Flexibility has also been identified as a core competency for c/h negotiators within the literature, with multiple researchers ex-

¹²³ Grubb et al., *supra* note 65, at 333.

¹²⁴ Johnson et al., *supra* note 71, at 9.

¹²⁵ Fuselier, *supra* note 74, at 14.

¹²⁶ Allen, Fraser, & Inwald, *supra* note 69, at 3.

¹²⁷ Logan, *supra* note 69, at 15 (citing a 1998 study by Vakili et al.).

¹²⁸ IRELAND, FISHER, & VECCHI, *supra* note 74, at 138-39.

¹²⁹ Grubb et al., *supra* note 65, at 333.

¹³⁰ Grubb et al., *supra* note 61, at 968-69.

plaining the need for c/h negotiators to be flexible and able to cope with uncertainty in stressful situations.¹³¹ Research conducted in 2017 reported that “thinking on your feet and maintaining flexibility” was one of the top-four skills identified as necessary for someone to be an effective c/h negotiator.¹³² Research exploring the self-perceived attributes and competencies of successful c/h negotiators corroborated this suggestion, identifying flexibility as one of the most important attributes reported by c/h negotiator interviewees.¹³³ The need for c/h negotiators to demonstrate flexibility, with competent c/h negotiators being able to shift or adapt their approach as needed throughout a potentially volatile incident, has also been highlighted through operational experience of working with c/h negotiators and c/h negotiator teams.¹³⁴ The concepts of versatility and adaptability are also referenced by other researchers in the field,¹³⁵ further attesting to the need for c/h negotiators to be able to “flex” in accordance with the ever-changing and unpredictable dynamics of crisis events. This entails an ability to adapt their negotiation style, strategy, or approach as necessary to ensure that these two components are aligned in a manner that promotes successful resolution.

x. Patience and Perseverance

Proficiently managing and utilizing time as a tactic to help de-escalation of critical incidents is well-established within the c/h negotiation arena. This has been referred to as “buying time,” or not rushing impatiently toward a resolution. Instead, using time as negotiation tactic serves a number of purposes, including allowing for de-escalation of arousal and emotion levels, detoxification from drugs or alcohol, or development of fatigue within the subject, which can all be used to the advantage of the c/h negotiator.¹³⁶ This type of “stalling for time” technique can also be broadly beneficial to law enforcement by enabling collection of intelligence and information that may be relevant to the negotiation and/or tactical strategy adopted.¹³⁷ When considering the importance of time management as a tactic and the fact that c/h negotiations can end

¹³¹ Fuselier, *supra* note 74; Vecchi, Van Hasselt, & Romano, *supra* note 57, at 13–14.

¹³² Johnson et al., *supra* note 71, at 480, 482–83.

¹³³ Grubb et al., *supra* note 65, at 332.

¹³⁴ SLATKIN, *supra* note 70, at 7.

¹³⁵ IRELAND, FISHER, & VECCHI, *supra* note 74, at 138–39.

¹³⁶ Grubb et al., *supra* note 61, at 966.

¹³⁷ G. Wayne Fuselier, *A Practical Overview of Hostage Negotiations (Part 1)*, 50 FBI L. ENF'T BULL. 1 (1981).

up being protracted in length, it is logical to conclude that c/h negotiators need to be patient and willing to spend as long as it takes to resolve an incident. Multiple researchers describe possessing patience as an important c/h negotiator quality.¹³⁸ Some researchers have linked patience with c/h negotiators needing to be both determined and persistent to reflect the additional element of perseverance. This refers to the c/h negotiators' need to fully commit, persevere, and not be deterred if success is not initially forthcoming.¹³⁹ C/h negotiators encounter situations that range from complete lack of engagement from subjects to angry confrontations/outbursts and verbal abuse,¹⁴⁰ thereby requiring from them a combination of patience, perseverance, resilience, grit, and hardiness. By employing these tactics, they allow subjects to share their frustrations and emotions, providing the c/h negotiator the necessary time to de-escalate heightened arousal levels.¹⁴¹

As alluded to earlier, research focusing on identifying the competencies of successful c/h negotiators is building in momentum, and there is research being conducted on an international level to understand the skills, qualities, and attributes that promote success within c/h negotiation contexts more robustly. The overarching picture suggests that effective c/h negotiators are proficient communicators (both in a speaking and listening sense), calm and patient in demeanor, empathic and non-judgmental, credible, genuine, and mentally flexible thinkers who can work effectively as members of a team.

Synthesizing the research findings in this way and further advancing academic understanding relating to what makes someone an effective c/h negotiator is important for several reasons. Firstly, from an operational policing perspective, it is important so that recruitment processes promote the selection of those candidates who are most likely to perform well within the c/h negotiator role. Secondly, training and continuing professional development (“CPD”) of c/h negotiators can be informed by such research findings to ensure that trainable skills can be developed and maintained within their cadres. The end result is the development of more effective c/h negotiators that will contribute to lives being saved. As the next section explores, resilience skills can support these efforts.

¹³⁸ SLATKIN, *supra* note 70, at 6; Grubb et al., *supra* note 65, at 332; Johnson et al., *supra* note 71, at 480.

¹³⁹ Allen, Fraser, & Inwald, *supra* note 69, at 3.

¹⁴⁰ Grubb et al., *supra* note 65, at 332–33.

¹⁴¹ Grubb et al., *supra* note 61, at 966.

IV. RESILIENCE SKILLS

Resilience is broadly defined as the ability to adapt during challenging, adverse situations, and the capacity to “bounce back” and attain personal growth.¹⁴² The American Psychological Association further explains that resilience is complicated because it involves experiencing hardships, yet it is not a personality trait that only a select few possess. Most people are resilient, especially when faced with traumatic events.¹⁴³ However, just like a muscle, resilience can be enhanced with specific, evidence-based strategies and practices.

From a neuroscience approach, this ability to harness the resilience that individuals already possess—and to further grow and develop this resilience—is called neuroplasticity. Neuroplasticity is “the capacity of brain cells to change in response to intrinsic and extrinsic factors, [and it] can have a negative or positive influence at any age across the entire lifespan.”¹⁴⁴ What neuroscience studies have shown is that with practice and purpose, generally speaking, a person can change the structure of their brain, and the result is an increase in overall wellbeing and enhanced resilience.¹⁴⁵

Before advancing to examine the various resilience skills, it should be noted that applying resilience practices in policing is not a new endeavor. Various police agencies in numerous countries have implemented resilience practices and programs. This participant list includes recruits, patrol officers, supervisors, specialized units (including c/h negotiators), and senior leaders.¹⁴⁶

Various law enforcement-related resilience-based programs have pillars or foundational terms associated with how they promote the enhancement of personal resilience. For example, the In-

¹⁴² *Building Your Resilience*, AM. PSYCH. ASS'N (Feb. 1, 2020), <https://www.apa.org/topics/resilience/building-your-resilience> [<https://perma.cc/G5DM-3E8M>].

¹⁴³ Joe Levine, *Teachers College Newsroom, Proof of Concept: A Study Co-Authored by TC's George Bonanno Finds a Genetic Basis for Why Most People Are Resilient to Life's Worst Events*, COLUM. UNIV. (Apr. 8, 2021), <https://www.tc.columbia.edu/articles/2021/april/a-study-by-tcs-george-bonanno-finds-a-genetic-basis-for-resilience/> [<https://perma.cc/5V2F-4ED4>].

¹⁴⁴ Joyce Shaffer, *Neuroplasticity and Clinical Practice: Building Brain Power for Health*, 7 *FRONTIERS PSYCH.* 1, 1 (2016).

¹⁴⁵ See, e.g., *id.* at 1; Richard G. Hunter et al., *The Neuroscience of Resilience*, 9 *J. SOC'Y SOC. WORK & RSCH.* 305 (2018); Scott J. Russo et al., *Neurobiology of Resilience*, 15 *NATURE NEUROSCIENCE* 1475 (2012).

¹⁴⁶ See generally RESILIENCE SYMP., www.resiliencesymposium.org [<https://perma.cc/H5B2-VJXU>] (last visited Feb. 8, 2022); see generally Jeff Thompson, *Enhancing Resilience During the COVID-19 Pandemic: A Thematic Analysis and Evaluation of the Warr;or21 Program*, 5 *J. CMTY. SAFETY & WELL-BEING* 51 (2020); Thompson & Drew, *supra* note 2.

ternational Association of Chiefs of Police have three target area skills: mind, energy, and connection;¹⁴⁷ Oscar Kilo, a United Kingdom police organization that promotes officer wellbeing has utilized the PERMA model: Positive Emotion, Engagement, Relationships, Meaning, and Accomplishment;¹⁴⁸ the Federal Bureau of Investigation National Academy Associates has four tenets: mental, physical, social, and spiritual;¹⁴⁹ while a program Jeff Thompson, a researcher and law enforcement professional, has used to provide resilience training to police agencies (including c/h negotiators) has four pillars: awareness, wellness, purpose, and positivity.¹⁵⁰ Each of these has clear similarities, mainly due to the fact that each program is evidence-based and grounded in common research studies with variations in how it is offered and the recommended implementation.

Individuals are said to be wired for resilience.¹⁵¹ Therefore, the central challenge for c/h negotiators is having knowledge of relevant resilience skills and being able to apply them to become more adept in negotiations and flourish in their overall lives. The next two sub-sections detail some of these resilience skills.

A. *Awe*

In order for a c/h negotiator to sustain proficiency, they must continually apply their skills in order to effectively use them competently, based on the evolving context. This section explores the various resilience skills that, based on the existing literature, can both enhance their personal wellness and resilience, and their proficiency with the negotiation skills.

The first resilience skill that will be examined is awe, or more accurately, recalling awe moments and experiencing awe. Awe, as a resilience skill, is explored more in-depth in relation to the other

¹⁴⁷ *VALOR Initiative Pilot Puts Character at the Heart of New Resilience Training for Law Enforcement*, BUREAU JUST. ASSISTANCE (May 9, 2019), <https://bja.ojp.gov/feature/valor-initiative-pilot-puts-character-heart-new-resilience-training-law-enforcement> [<https://perma.cc/AHY2-9BE>].

¹⁴⁸ Oscar Kilo (@OscarKiloUK), *Learn About PERMA*, TWITTER (Feb. 22, 2021, 5:01 AM), <https://twitter.com/OscarKiloUK/status/1363791126600294401> [<https://perma.cc/7GAP-J6RW>].

¹⁴⁹ *Officer Resiliency*, FBI NAT'L ACAD. ASSOCS., [https://www.fbinaa.org/FBINAA/OSW/Officer_Resiliency.aspx](https://www.fbinaa.org/FBINAA/OSW/Officer_Resiliency/FBINAA/OSW/Officer_Resiliency.aspx) [<https://perma.cc/6MUF-GPVD>] (last visited Mar. 11, 2022).

¹⁵⁰ Thompson & Drew, *supra* note 2.

¹⁵¹ Levine, *supra* note 143.

skills, as it is the primary focus of this Article. Principally, this is argued to be the case because, as demonstrated in this section and in Table 1, there are numerous potential benefits of recalling and experiencing awe that overlap with the necessary skills of a c/h negotiator. Therefore, it is proposed that awe can directly influence a c/h negotiator's effectiveness, as well as contribute to their overall wellbeing.

i. An Overview on the Complex Emotion of Awe: Definition, History, and Current Studies

Consider these visualizations: looking to the Earth outside its orbit or to the stars above our heads, witnessing a childbirth, or simply contemplating the magnificence of nature. These are all events potentially associated with the profound and intense emotional experience of awe.

This is no longer a “little studied emotion,”¹⁵² as awe has been investigated by different disciplines—e.g., art, philosophy, literature—engendering great expectations regarding its potential for human flourishing and wellbeing: “[A]we has developed into a Western cultural phenomenon, a proposed panacea for the modern world's ills.”¹⁵³

Presently, awe has become the subject of several nonfiction books, articles, podcasts, and even movies. It has been the focus in the renowned art performances by Marina Abramovich¹⁵⁴ and cited—nearly 36,200 times—in the articles of one of the most prominent newspapers in the world: The New York Times. Typical instances of awe have also been featured in the 2020 Pixar movie, *Soul*, which vividly and exquisitely depicts experiences of awe in music and nature. In nearly every recent context in which awe has been included, the core message appears to be the one already provided by awe researcher, Michelle “Lani” Shiota, and her colleagues in one of the seminal scientific contributions on this emotion: “[Awe] confers a wide range of benefits for personal and societal well-being, and [] we all need more awe in our lives.”¹⁵⁵

¹⁵² Dacher Keltner & Jonathan Haidt, *Approaching Awe, a Moral, Spiritual, and Aesthetic Emotion*, 17 COGNITION & EMOTION 297, 297 (2003).

¹⁵³ Michelle N. Shiota, *Awe, Wonder, and the Human Mind*, 1501 ANNALS N.Y. ACAD. SCI. 85, 87 (2021).

¹⁵⁴ Angelo Capasso, *Deposition, Decomposition. Losing the Body Sublime: Marina Abramovic Between Performance and Performativity*, EUT EDIZIONI UNIVERSITÀ DI TRIESTE 47 (2015).

¹⁵⁵ Shiota, *supra* note 153, at 87.

This current great fervor on awe can be deemed as even more noteworthy, considering that its scientific study is recent.

The seminal model of researchers Dacher Keltner and Jonathan Haidt¹⁵⁶ introduced the scientific investigation of awe as a destabilizing emotion that is mainly characterized by two appraisals (i.e., cognitive evaluations of a stimulus and of the person-stimulus interaction, which bring forth an emotional process).¹⁵⁷ The first is the perception of *vastness*; that is, the feeling experienced in front of those stimuli (called “elicitors”) perceived as larger and vaster than the self. These elicitors can be both related to the natural world—i.e., large mountains, tall and sturdy trees, or overhangs¹⁵⁸—but also to human artifacts, such as huge skyscrapers.¹⁵⁹ Moreover, awe can also be elicited by those stimuli situated on a more conceptual level, like the great theories that have changed human history—such as “Einstein’s theory of relativity”¹⁶⁰—as well as by infinitely small phenomena.¹⁶¹ The second core appraisal theme of awe is the need for accommodation; that is, the urge to change our own current mental schemas after encountering this stimulus.¹⁶² Moreover, Keltner and Haidt also specified the various related states of awe: it can be tinged with dread, which can then be assimilated to the notion of the romantic sublime;¹⁶³ awe can entail a dimension of beauty; awe can occur in a social dimension and emerge from the contemplation of human virtues (i.e., elevation) or through human abilities (i.e., admiration); and awe can also be imbued with the uncanny, thus showing a link with the supernatural or spiritual. Finally, and more recently, interpersonal relationships have been found as an elicitor of awe.¹⁶⁴

Generally, awe has been assumed to serve an evolutionary function related to the maintenance of social hierarchy, and the

¹⁵⁶ Keltner & Haidt, *supra* note 152.

¹⁵⁷ Agnes Moors et al., *Appraisal Theories of Emotion: State of the Art and Future Development*, 5 *EMOTION REV.* 119, 122 (2013).

¹⁵⁸ Alice Chirico & Andrea Gaggioli, *The Potential Role of Awe for Depression: Reassembling the Puzzle*, 12 *FRONTIERS PSYCH.* 1191, 1192 (2021).

¹⁵⁹ See generally *id.*

¹⁶⁰ *Id.*

¹⁶¹ Paul K. Piff et al., *Awe, the Small Self, and Prosocial Behavior*, 108 *J. PERS. SOC. PSYCH.* 883, 883–84 (2015).

¹⁶² Małgorzata A. Gocłowska et al., *Awe Arises in Reaction to Exceed Rather Than Disconfirmed Expectancies*, *EMOTION* 1, 2 (2021).

¹⁶³ THOMAS WEISKEL, *THE ROMANTIC SUBLIME: STUDIES IN THE STRUCTURE AND PSYCHOLOGY OF TRANSCENDENCE* (1976).

¹⁶⁴ Marianna Graziosi & David B. Yaden, *Interpersonal Awe: Exploring the Social Domain of Awe Elicitors*, 16 *J. POSITIVE PSYCH.* 263, 265 (2021).

effects of this emotion on individuals have often been explained in line with this idea and its corollaries. Indeed, awe has been found in different cultures, even though with different nuances.¹⁶⁵ This seminal model has paved the way for a wide array of research areas ranging from aesthetics, wellbeing, health, and safeguarding the environment. Here, the main research findings on awe are reported and organized according to the dominant function played by awe in a specific domain.

The current psychological literature refers to awe in various ways. First, awe can be deemed as a positive emotion because it seems to share the prototypical features of positive emotions and it is most often experienced as a positively balanced state.¹⁶⁶ In this regard, awe was associated with life satisfaction,¹⁶⁷ as well as finding meaning in life.¹⁶⁸ At the dispositional level, people more prone to awe experienced higher levels of subjective overall wellbeing.¹⁶⁹ Moreover, awe also impacted individuals' health at the endocrinal level, as demonstrated by researcher Jennifer Stellar and her colleagues, indicating that experiencing awe can serve as a key factor in countering the effects of chronic stress.¹⁷⁰

Importantly, awe is also described as an epistemic emotion, and experiencing it can lead people to increase their open-mindedness,¹⁷¹ curiosity,¹⁷² and critical thinking.¹⁷³ Additionally, an awe-eliciting moment can contribute to a person's increased awareness

¹⁶⁵ See generally Yang Bai et al., *Awe, the Diminished Self, and Collective Engagement: Universals and Cultural Variations in the Small Self*, 113 J. PER. SOC. PSYCH. 185 (2017).

¹⁶⁶ See generally Belinda Campos et al., *What is Shared, What is Different? Core Relational Themes and Expressive Displays of Eight Positive Emotions*, 27 COGNITION & EMOTION 37 (2013); see generally Michelle N. Shiota, Belinda Campos, & Dacher Keltner, *The Faces of Positive Emotions*, 1000 ANNALS N.Y. ACAD. SCI. 296 (2003).

¹⁶⁷ Neal Krause & R. David Hayward, *Assessing Whether Practical Wisdom and Awe of God Are Associated With Life Satisfaction*, 7 PSYCH. RELIGION & SPIRITUALITY 51, 52 (2015).

¹⁶⁸ Grace N. Rivera et al., *Awe and Meaning: Elucidating Complex Effects of Awe Experiences on Meaning in Life*, 50 EUR. J. SOC. PSYCH. 392, 393 (2019).

¹⁶⁹ See generally Huanhuan Zhao et al., *Why Are People High in Dispositional Awe Happier? The Roles of Meaning in Life and Materialism*, 10 FRONTIERS PSYCH. 1208 (2019).

¹⁷⁰ See generally Jennifer E. Stellar et al., *Positive Affect and Markers of Inflammation: Discrete Positive Emotions Predict Lower Levels of Inflammatory Cytokines*, 15 EMOTION 129 (2015).

¹⁷¹ A. F. Danvers & M.N. Shiota, *Going Off Script: Effects of Awe on Memory for Script-Typical and -Irrelevant Narrative Detail*, 17(6) EMOTION 938-52 (2017).

¹⁷² See generally Craig L. Anderson et al., *Are Awe-Prone People More Curious? The Relationship Between Dispositional Awe, Curiosity, and Academic Outcomes*, 88 J. PERS. 762 (2019).

¹⁷³ Jennifer E. Stellar et al., *Self-Transcendent Emotions and Their Social Functions: Compassion, Gratitude, and Awe Bind Us to Others Through Prosociality*, 9 EMOTION R. 200, 203 (2017).

of their own current gaps in knowledge, and thus, promoting the desire to learn and to find new explanations.¹⁷⁴

Additionally, awe can be deemed as a prosocial emotion.¹⁷⁵ A main effect of awe involves the feeling of being small in front of the eliciting stimulus, often referred to as the “small-self.” Consequently, the perception of the self is modified, and hence, almost decreased.¹⁷⁶ This mechanism has been often indicated and tested as a potential mediator between the experience of awe and its prosocial outcomes, in terms of attitudes, beliefs, and behaviors. Individuals that experience more of this emotion have also been shown to be more inclined to be engaged in altruistic and generous behaviors.¹⁷⁷ Even after a single induction of awe in laboratory settings, participants displayed more prosocial behaviors toward strangers, as well as a decrease in aggressivity and diminishment of the self.¹⁷⁸

Further, the “small self” has also been considered as a key mechanism linking awe with humility, which is part of a special class of emotions labeled as “self-transcendent,” “in light of their capacity to encourage individuals to transcend their own momentary needs and desires and focus on those of another.”¹⁷⁹

Awe is also an emotion defined as self-transcending; that is, it can increase the sense of connection to people, the world, and the universe by shifting the attentional focus from one’s inner world¹⁸⁰ to the world outside, thus promoting ecological concerns.¹⁸¹ In this

¹⁷⁴ H. Anna van Limpt-Broers, Max M. Louwse, & Marie Nilseova-Postma, *Awe Yields Learning: A Virtual Reality Study*, COG. SCI. 488, 488 (2020).

¹⁷⁵ See generally Claire Prade & Vassilis Saroglou, *Awe’s Effects on Generosity and Helping*, 11 J. POSITIVE PSYCH. 522 (2016); see generally Joshua David Perlin & Leon Li, *Why Does Awe Have Prosocial Effects? New Perspectives on Awe and the Small Self*, 15 PERSPS. PSYCH. SCI. 291 (2020).

¹⁷⁶ Piff et al., *supra* note 161, at 886; see generally Silvia et al., *Openness to Experience and Awe In Response to Nature and Music: Personality and Profound Aesthetic Experiences*, 9(4) PSYCH. AESTHETICS, CREATIVITY, & ARTS 376–84 (2015).

¹⁷⁷ Bai et al., *supra* note 165, at 186; Prade & Saroglou, *supra* note 175, at 4; Michelle N. Shiota, Dacher Keltner, & Amanda Mossman, *The Nature of Awe: Elicitors, Appraisals, and Effects on Self-Concept*, 21 COGNITION & EMOTION 944, 960 (2007).

¹⁷⁸ See generally Jennifer E. Stellar et al., *Awe and Humility*, 114 J. PERS. SOC. PSYCH. 258 (2018).

¹⁷⁹ Stellar et al., *supra* note 173, at 2.

¹⁸⁰ David B. Yaden et al., *The Varieties of Self-Transcendent Experience*, 21 R. GEN. PSYCH. 143, 148 (2017).

¹⁸¹ Yan Yang, et al., *From Awe to Ecological Behavior: The Mediating Role of Connectedness to Nature*, 10 SUSTAINABILITY 2477, 2479 (2018).

regard, awe can also alter the senses of time, space,¹⁸² and the body perception.¹⁸³ Additionally, experiencing awe has also been described as a spiritual experience,¹⁸⁴ not necessarily bound to a religious dimension; instead it often focuses on the secular forms of this emotion. Indeed, qualitative evidence showed that scientists often report awe as being a motivator to seek answers to questions about the natural world.¹⁸⁵

Furthermore, the potential of awe for change also dwells on its ability to impact an individuals' cognition. For instance, awe can reduce persuasion through weak messages¹⁸⁶ and improve problem-solving skills.¹⁸⁷ Moreover, as for other ambivalent emotions comprised of both positive and negative dimensions,¹⁸⁸ awe has been shown to promote creative thinking,¹⁸⁹ as well as curiosity.¹⁹⁰ Finally, dispositional creativity has also been shown to be associated with dispositional awe.¹⁹¹

Awe has progressively emerged as a special type of emotion, described as transformative. Specifically, as discussed above, Keltner and Haidt outlined the transformative potential of awe,¹⁹²

¹⁸² Melanie Rudd, Kathleen D. Vohs, & Jennifer Aaker, *Awe Expands People's Perception of Time, Alters Decision Making, and Enhances Well-Being*, 23 PSYCH. SCI. 1130, 1131 (2012); see generally Michiel van Elk & Mark A. Rotteveel, *Experimentally Induced Awe Does Not Affect Implicit and Explicit Time Perception*, 82 ATTENTION, PERCEPTION, & PSYCHOPHYSICS 926 (2019).

¹⁸³ Michiel van Elk et al., *'Standing in Awe': The Effects of Awe on Body Perception and the Relation with Absorption*, 2 COLLABRA 4, 7 (2016).

¹⁸⁴ See generally Jesse L. Preston & Faith Shin, *Spiritual Experiences Evoke Awe Through the Small Self in Both Religious and Non-Religious Individuals*, 70 J. EXPERIMENTAL & SOC. PSYCH. 212 (2017); see generally Patty Van Cappellen et al., *Self-Transcendent Positive Emotions Increase Spirituality Through Basic World Assumptions*, 27 COGNITION & EMOTION 1378 (2013).

¹⁸⁵ Sara Gottlieb, Dacher Keltner, & Tania Lombrozo, *Awe as a Scientific Emotion*, 42 COGNITIVE SCI. 2081, 2092 (2018); see generally Megan Powell Cuzzolino, *The Awe is in the Process: The Nature and Impact of Professional Scientists' Experiences of Awe*, 105 SCI. EDUC. 681 (2021).

¹⁸⁶ Vladas Griskevicius, Michelle N. Shiota, & Samantha L. Neufeld, *Influence of Different Positive Emotions on Persuasion Processing: A Functional Evolutionary Approach*, 10 EMOTION 190, 191 (2010).

¹⁸⁷ Jennifer Ashlee Dobson, *Examining the Psychological Consequences of Experiencing Awe* (2015) (Ph.D. dissertation, The University of Guelph).

¹⁸⁸ Christina Ting Fong, *The Effects of Emotional Ambivalence on Creativity*, 49 ACAD. MGMT. J. 1016, 1016 (2006).

¹⁸⁹ Alice Chirico et al., *Awe Enhances Creative Thinking: An Experimental Study*, 30 CREATIVITY RSCH. J. 123, 129 (2018).

¹⁹⁰ Jia Wei Zhang et al., *Awe is Associated with Creative Personality, Convergent Creativity, and Everyday Creativity*, PSYCH. AESTHETICS, CREATIVITY, ARTS (2021).

¹⁹¹ *Id.*

¹⁹² Keltner & Haidt, *supra* note 152, at 292.

yet it has previously been limited to qualitative research.¹⁹³ However, now, with advancements in virtual reality technologies,¹⁹⁴ it allows enhancing the ecological validity of even complex awe experiences in laboratory settings, along with a simultaneous multi-tracking of participants responses.

Following the aim to restore the intense and multifaceted nature of awe, even in its experimental investigation, “complex” is another label that has recently been associated with awe.¹⁹⁵ The reason that awe is considered a complex emotion is twofold. First, echoing philosopher Edmund Burke’s definition,¹⁹⁶ awe encompasses both positive (e.g., happiness, optimism, wonder, joy)¹⁹⁷ and negative (e.g., fear, terror, dread) emotional sub-components.¹⁹⁸ Further, recent empirical evidence has demonstrated that some instances of awe cannot be framed within a specific valence.¹⁹⁹

Second, as previously mentioned, awe is related to transformation, as it can shape the way people perceive themselves and the surrounding world, thus acting as a potential driver of a long-lasting and durable personal change.²⁰⁰

This section has identified the potential benefits as a result of a person experiencing awe, while the previous section identified the skills required for a c/h negotiator to be proficient. Table 1, *infra*, converges both to display how awe aligns with the required skills of a c/h negotiator.

¹⁹³ See generally Edward T. Bonner & Harris L. Friedman, *A Conceptual Clarification of the Experience of Awe: An Interpretative Phenomenological Analysis*, 39 HUMANISTIC PSYCH. 222 (2011).

¹⁹⁴ See generally SHAUN GALLAGHER ET AL., A NEUROPHENOMENOLOGY OF AWE AND WONDER: TOWARDS A NON-REDUCTIONIST COGNITIVE SCIENCE (2015); Alexandra Kitson et al., *A Review on Research and Evaluation Methods for Investigating Self-Transcendence*, 16 FRONTIERS PSYCH. 547, 559 (2020).

¹⁹⁵ Alice Chirico & Andrea Gaggioli, *Awe: More Than a Feeling*, 46 HUMANISTIC PSYCH. 274, 275 (2018).

¹⁹⁶ See generally EDMUND BURKE, A PHILOSOPHICAL ENQUIRY INTO THE ORIGIN OF OUR IDEAS OF THE SUBLIME AND BEAUTIFUL: WITH AN INTRODUCTORY DISCOURSE CONCERNING TASTE; AND SEVERAL OTHER ADDITIONS (1975).

¹⁹⁷ S. Katherine Nelson-Coffey et al., *The Proximal Experience of Awe*, PLoS ONE (2019), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0216780> [<https://perma.cc/MESP-PY8U>].

¹⁹⁸ Chirico & Gaggioli, *supra* note 195, at 275.

¹⁹⁹ Yaden et al., *supra* note 180, at 5.

²⁰⁰ Andrea Gaggioli et al., *Transformative Interactions: Designing Positive Technologies to Foster Self-Transcendence and Meaning*, 14 ANN. R. CYBERTHERAPY TELEMEDICINE 169, 170 (2016).

ii. Elicitors of Awe

Given the complexity and unique nature of this emotion, one of the main challenges concerning the experimental study of awe has been how to elicit intense instances of this emotion in controlled settings, like the laboratory. Awe has been experimentally induced using several different procedures, such as: autobiographical recall, in which participants were requested to write down their own awe-inspiring experiences;²⁰¹ awe-inspiring images (e.g., featuring tall trees, high mountains, wide valleys, and the Grand Canyon); stories; and music.²⁰² Additionally, videos have also been widely employed to elicit awe.²⁰³

Recently, virtual reality (“VR”) has been proposed as an ideal medium to induce and enhance the feeling of awe, thanks to the sense of presence that allows the user to feel completely inserted and immersed in the proposed virtual environment.²⁰⁴ This medium, due to its vast potential, has already shown to be particularly effective in resembling reliable, yet realistic, awe-inspiring scenarios.²⁰⁵

iii. Awe and Mental Health

Current research studies on awe attempt to demonstrate the link between awe and its benefits on mental health.²⁰⁶

Indeed, given the potential role of awe in the expansion of individuals’ mental frames,²⁰⁷ awe researcher Alice Chirico and her colleagues reported that inducing awe in VR settings can positively impact in various ways. For example: creative thinking through enhancing the ability of building new links among ideas induced by the “need for accommodation” component of awe (e.g., new incoming information promotes the updating of already existing mental frames).²⁰⁸

²⁰¹ Nelson-Coffey et al., *supra* note 197.

²⁰² Leanne Pilgrim et al., *Music Is Awesome: Influences of Emotion, Personality, and Preference on Experienced Awe*, 16 J. CONSUMER BEHAV. 442, 444 (2017).

²⁰³ Michelle N. Shiota et al., *Feeling Good: Autonomic Nervous System Responding in Five Positive Emotions*, 11 EMOTION, 1368, 1369 (2011).

²⁰⁴ Alice Chirico et al., *The Potential of Virtual Reality for the Investigation of Awe*, 7 FRONTIERS PSYCH. 1766, 1768 (2016).

²⁰⁵ Chirico & Gaggioli, *supra* note 158, at 1193.

²⁰⁶ For a review, *see id.*

²⁰⁷ Stellar et al., *supra* note 173, at 203; *see* Zhao et al., *supra* note 169.

²⁰⁸ Chirico & Gaggioli, *supra* note 158, at 1195.

Viewing awe as a contributor to an individual's mental health establishes its link with resilience.²⁰⁹ Resilience has been defined as the capacity to resist, overcome, thrive, and prevail in the face of adversity.²¹⁰ Resilience requires flexibility in response to changing situational demands and negative emotional experiences.²¹¹ Resilient individuals are able to experience positive emotions while in the midst of stressful situations, which can contribute to their ability to rebound successfully.²¹²

Recent studies suggested that individuals who tend to experience greater awe on a daily basis, or who report higher levels of trait-like awe, report lower levels of daily stress, even after controlling for other positive emotions.²¹³ Awe has also been found to promote the “small-self,” enhance cognitive flexibility, increase creative thinking, and increase the disposition to feel positive emotions.²¹⁴ Thus, experiencing awe gives rise to a behavior characterized by lower rumination, and, at a neurobiological level, a decreased activation of the Default-Mode-Network (“DFM”)²¹⁵—a circuit in which hyperactivity can be associated with depressive states. Alice Chirico and fellow awe researcher Andrea Gaggioli shared that “DMN activity decreased during awe-inspiring videos, especially when participants were required to get absorbed passively.”²¹⁶

Due to awe's self-transcending property, it may be able to elicit the same effects induced by a strong sense of spirituality and religiosity by contributing to people overcoming adversity. This

²⁰⁹ Golnaz Tabibnia, *An Effective Neuroscience Model of Boosting Resilience in Adults*, 115 NEUROSCIENCE & BIOBEHAVIORAL R. 321, 338 (2020).

²¹⁰ Kimberly A. Gordon & William C. Coscarelli, *Recognizing and Fostering Resilience*, 35 PERFORMANCE IMPROVEMENT 14, 15 (1996).

²¹¹ Jeanne H. Block & Jack Block, *The Role of Ego-Control and Ego-Resiliency in the Organization of Behavior*, 13 DEV. COGNITION, AFFECT & SOC. RELS.: MINN. SYMP. ON CHILD PSYCH. 39, 48 (1980); R. S. Lazarus, *From Psychological Stress to the Emotions: A History of Changing Outlooks*, 44 ANN. R. PSYCH. 1, 5 (1993).

²¹² Michele M. Tugade, Barbara L. Frederickson, & Lisa Feldman Barrett, *Psychological Resilience and Positive Emotional Granularity: Examining the Benefits of Positive Emotions on Coping and Health*, 72(6) J. PERS. 1161, 1166 (2004).

²¹³ See Bai et al., *Awe, Daily Stress, and Elevated Life Satisfaction*, 120 J. PERS. SOC. PSYCH. 837 (2021).

²¹⁴ Alice Chirico et al., *Positive Emotion Dispositions and Emotion Regulation in the Italian Population*, 16 PLoS ONE 1, 3 (2021).

²¹⁵ Tabibnia, *supra* note 209, at 338.

²¹⁶ Chirico & Gaggioli, *supra* note 158, at 1195.

can further bolster their resilience by accepting that crises can arise in life, especially in c/h negotiation settings.²¹⁷

TABLE 1. POTENTIAL BENEFITS OF AWE AND THE SKILLS OF EFFECTIVE NEGOTIATORS (LISTED ALPHABETICALY)

Potential Benefits of Awe	C/H Negotiator Skills and Qualities
Connectedness with others	Adaptable
Creativity	Active listener
Critical thinking	Calm
Curiosity	Committed to the role
Decision-making	Compassionate/caring
Emotion regulation	Credible
Health/immune system	Dependable/reliable
Humility	Determined/persistent
Knowledge gaps identified	Empathetic
Learning	Emotionally stable/intelligent
Mood improvement	Focused
Open-mindedness	Flexible
Optimism	Handle uncertainty
Prosocial behaviors	Mentally agile
Stress reduction	Non-judgmental
Time “slowing down”	Patient
Tolerate ambiguity	Reflective (debrief)
	Team oriented/worker
	Trustworthy
	Verbally fluent/expressive

As discussed in this section and further demonstrated in Table 1, the benefits of experiencing awe can support the overall wellbeing of a c/h negotiator, in addition to directly supporting the enhancement of their negotiating skills.

B. *Additional Resilience Skills*

This section details evidence-based practices that can assist c/h negotiators with enhancing their resilience. This Article focuses on personal resilience while acknowledging that there is also an expectation that the agencies for which negotiators work also bear re-

²¹⁷ See Adam W. Carrico, Elizabeth V. Gifford, & Rudolf H. Moos, *Spirituality/Religiosity Promotes Acceptance-Based Responding and 12-Step Involvement*, 89 DRUG & ALCOHOL DEPENDENCE 66 (2007).

sponsibility for their workforce, and implementing agency-wide resilience practices are also necessary.

Managing police agency resilience is the responsibility of the leadership and command staff, and although this type of resilience has a significant impact on negotiators and the entire workforce, it is not the focus of this Article. Nevertheless, police leaders can utilize the below-mentioned resilience practices when developing resilience and wellbeing programs.

Moreover, the focus of this Article is on c/h negotiators, but the resilience skills and practices can be applied to other police professionals, practitioners in other conflict resolution fields of practice, and the general public, thereby reflecting the transferable application of these skills to various disciplines and settings involving conflict dialogue.

It should also be noted that the list of resilience skills provided below is not intended to be viewed as a complete set of resilience skills. Rather the list offers a selection of a wide variety of skills that can initiate a negotiator's interest in exploring how to further develop their resilience, while acknowledging the resilience they already possess.

Table 2, *infra*, provides a "snapshot" of both c/h negotiator skills as well as the resilience skills and their corresponding potential benefits. The intention of Table 2 is to advance the connection made in Table 1, which displayed the relationship between the skills of effective c/h negotiators with one resilience skill, awe. Now, with Table 2, additional resilience skills are provided to demonstrate both the potential benefits of engaging in these practices along with the skills and qualities of effective c/h negotiators.

TABLE 2. POTENTIAL BENEFITS OF RESILIENCE SKILLS AND THE SKILLS AND QUALITIES OF EFFECTIVE NEGOTIATORS (LISTED ALPHABETICALLY)

<u>C/H Negotiator Skills</u>		
<ul style="list-style-type: none"> • Adaptable • Active listener • Calm • Committed to the role • Compassionate/caring • Credible • Dependable/reliable • Determined/persistent 	<ul style="list-style-type: none"> • Empathetic • Emotionally stable/intelligent • Focused • Flexible • Handle uncertainty • Mentally agile 	<ul style="list-style-type: none"> • Non-judgmental • Patient • Reflective (debrief) • Team oriented/worker • Trustworthy • Verbally fluent/expressive
<u>Potential Benefits of Resilience Skills</u>		
<u>Awareness</u>	<u>Gratitude</u>	<u>Realistic Optimism/Prospection</u>
<ul style="list-style-type: none"> • Connectedness • Curiosity • Decrease depression symptoms • Empathy • Enhance resilience • Happiness • Hope • Learning • Meaning/purpose in life • Self-control 	<ul style="list-style-type: none"> • Behavior • Connectedness • Manage emotions • Manage stress • Meaning and purpose in life • Neurobiology • Perspective • Physical health • Self-worth 	<ul style="list-style-type: none"> • Agency • Behavior • Cognition • Goal-setting • Perspective • Positive emotions • Self-control
<u>Cognitive Reappraisal</u>	<u>Meaning/Purpose in Life</u>	<u>Self-Compassion</u>
<ul style="list-style-type: none"> • Compassion • Connectedness • Life satisfaction • Maturity • Meaning/purpose in life • Wellbeing • Wisdom 	<ul style="list-style-type: none"> • Cognition • Connectedness • Crisis management • Goal-setting • Perspective • Prolonged life • Self-control • Sleep 	<ul style="list-style-type: none"> • Compassion (for others) • Connectedness • Emotional regulation and management • Life satisfaction • Reduces: <ul style="list-style-type: none"> ○ Anger ○ Burdensome ○ Depression ○ Isolation ○ PTSD ○ Shame ○ Suicidal thoughts • Self-confidence
<u>Self-Efficacy</u>	<u>Physical Health</u>	<u>Connectedness</u>
<ul style="list-style-type: none"> • Cognition (focus, memory, problem-solving) • Confidence • Connectedness • Goal-setting • Manage anxiety • Meaning and purpose in life • Perseverance • Physiology 	<ul style="list-style-type: none"> • Cognition • Creativity • Eating habits • Lowers risk of: <ul style="list-style-type: none"> ○ Cancer ○ Death ○ High blood pressure ○ Hopelessness ○ Stroke • Manage stress and anxiety • Memory • Mood regulation • Neurobiology • Positive mood • Sleep 	<ul style="list-style-type: none"> • Manage stress • Physical health • Positive behavior • Self-control • Wellbeing

While examining the resilience skills and possible benefits detailed in Table 2 and explored further in-depth in this section (listed alphabetically), as well as the suggested practices offered later in this Article, it is important to again be reminded and be familiar with the term “flexibility” as it relates to resilience. Flexibility involves employing a diverse range of coping strategies and resilience practices when faced with adversity.²¹⁸ Further, to employ this resilient flexibility, the person in question must also be aware of the skills and strategies based on the context and situation.²¹⁹ Therefore, much like the efficient c/h negotiator needs to access a variety of practices, so does the person looking to maintain and enhance their resilience.

i. Awareness

The term “awareness” can consist of various practices, especially concerning resilience. Within the scope of this Article, awareness is presented as a resilience skill in terms of practicing with a purpose and the cognitive triangle (as explained further below). As a skill, awareness can be applied to ensure that other skills are being utilized effectively. Therefore, one approach to understanding awareness is that it is more about the “how” and not the “what.” For example, reflecting on previous, positive moments—such as gratitude (mentioned as a separate skill below)—can increase resilience and happiness while decreasing depressive symptoms.²²⁰ Thus, and using savoring as an example, awareness is a form of mindfulness that allows an individual to intentionally engage in the resilience practice.²²¹

Curiosity is an additional approach to awareness concerning resilience and practicing with purpose. Possessing curiosity entails having an interest in something and wanting to know more about it.²²² There are numerous scientific benefits to being curious as it relates to resilience and wellbeing. This includes improving crea-

²¹⁸ See STEVEN M. SOUTHWICK & DENNIS S. CHARNEY, *RESILIENCE: THE SCIENCE OF MASTERING LIFE’S GREATEST CHALLENGES* 226 (1st ed. 2012).

²¹⁹ *Id.*

²²⁰ Jennifer L. Smith & Agnieszka A. Hanni, *Effects of a Savoring Intervention on Resilience and Well-Being of Older Adults*, 38 J. APPLIED GERONTOLOGY 137, 148 (2019).

²²¹ For more examples, see Stacey Kennelly, *10 Steps to Savoring the Good Things in Life*, GREATER GOOD MAG. (July 23, 2012), https://greatergood.berkeley.edu/article/item/10_steps_to_savoring_the_good_things_in_life [<https://perma.cc/YAU5-EN5S>].

²²² Lachlan Brown, *The Importance of Developing Curiosity*, PSYCH CENT. (May 25, 2015), <https://psychcentral.com/blog/the-importance-of-developing-curiosity#1> [<https://perma.cc/VHC8-CBY9>].

tivity, hope, meaning in life, work behavior, and learning.²²³ Additionally, having a sense of curiosity can make people happier, expand empathy, boost achievement, and strengthen relationships.²²⁴

Awareness means approaching resilience practices that are grounded in research, such as goal setting, for the intentional purpose that is beneficial in both the short-term and the long-term.²²⁵ Engaging in a resilience practice with an open-minded, growth, and learning mindset facilitates the achievement of its benefits.²²⁶

Awareness also involves acknowledging that certain things can be beyond an individual's control, yet concurrently, many things can also be within their control. Having a deeper understanding of the control a person can have over themselves can be better understood through the cognitive triangle, which is popularly used in Cognitive Behavioral Therapy ("CBT").²²⁷ CBT and the triangle, as illustrated in Figure 1, specifically explore the connection between a person's thoughts, emotions, and behaviors.²²⁸ The triangle explains how people's thoughts impact their emotions, how these emotions impact behaviors, and how each continues to impact the other.

²²³ For the benefits and research studies, see Carina Wolff, *The Importance of Being Curious, According to Research*, SIMPLEMOST (Feb. 29, 2016), <https://www.simplemost.com/importance-curious-according-research/> [<https://perma.cc/9UFU-9WHH>].

²²⁴ For more on these and their studies, see Emily Campbell, *Six Surprising Benefits of Curiosity*, GREATER GOOD MAG. (Sept. 24, 2015), <https://greatergood.berkeley.edu/article/item/six-surprising-benefits-of-curiosity> [<https://perma.cc/R4Q5-354F>].

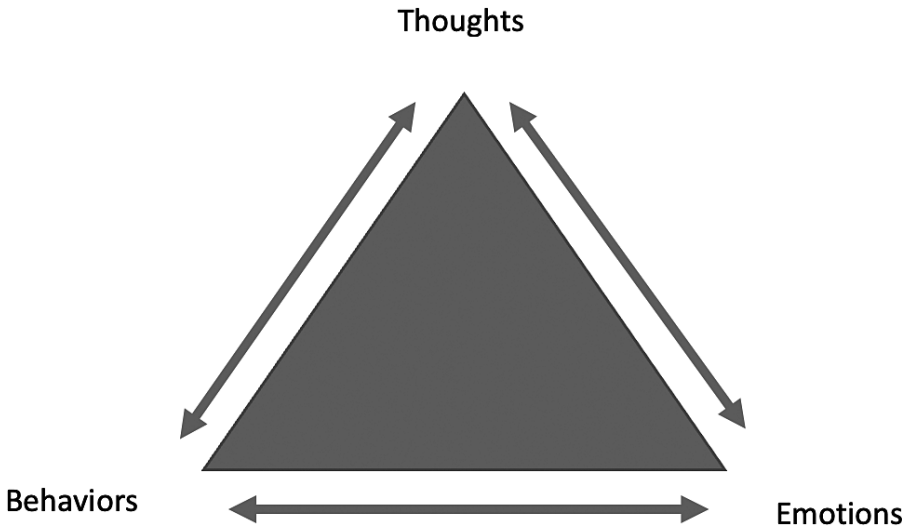
²²⁵ See generally SEAN YOUNG, *STICK WITH IT: A SCIENTIFICALLY PROVEN PROCESS FOR CHANGING YOUR LIFE—FOR GOOD* (2017).

²²⁶ See generally LEAH WEISS, *HOW WE WORK: LIVE YOUR PURPOSE, RECLAIM YOUR SANITY, AND EMBRACE THE DAILY GRIND* (2019).

²²⁷ For more on cognitive behavioral therapy, see *Introduction to CBT*, BECK INST., <https://beckinstitute.org/about/intro-to-cbt/> [<https://perma.cc/Y5Z3-WSAD>] (last visited Feb. 8, 2022); Kristina Fenn & Majella Byrne, *The Key Principles of Cognitive Behavioral Therapy*, 6 *INNOVAT* 579, 579 (2013).

²²⁸ See generally *Introduction to CBT*, *supra* note 227.

FIGURE 1



Therefore, the awareness of, and ability to manage, thoughts, emotions, and behaviors can positively affect the other two factors. Utilizing the triangle allows a person to stop, reflect, and be aware of how each factor is impacting their perception of a situation or event; it can enable the individual to ensure they are not becoming victim to what is described as cognitive distortions, thinking errors, or traps. Engaging in these traps is unhelpful and can lead to diminished mental health.²²⁹

Overgeneralization is an example of a thinking trap. In the context of this Article, this could manifest if a c/h negotiator was engaging a suicidal subject and the negotiation did not result in gaining voluntary compliance but instead, the subject died by suicide. This particular trap could lead the c/h negotiator into thinking that because the situation did not go the way they wanted, further negotiations would never be successful. There are a variety of tools available to counter these traps, and in the case of the example provided, one suggested approach is seeing the event or situation in terms of “shades of gray” by considering successful

²²⁹ For a review, see Dr. Matthew Whalley, *Cognitive Distortions: An Introduction to How CBT Describes Unhelpful Ways of Thinking*, PSYCH. TOOLS (Mar. 18, 2019), <https://www.psychologytools.com/articles/unhelpful-thinking-styles-cognitive-distortions-in-cbt/> [<https://perma.cc/V8TK-YW7R>].

negotiations in the past, instead of making a general conclusion based on one incident.²³⁰

Emotions are further explained later in this section. But to state briefly, being mindful of and acknowledging, instead of ignoring, one's emotions is critical to maintaining, managing, and restoring self-control. With behaviors and actions, and regarding c/h negotiators, awareness consists of determining if the negotiators' actions are helpful or whether those actions hinder their immediate and long-term goals.

Practicing awareness is a skill that can be utilized to support the individual to avoid and acknowledge cognitive distortions, tolerate those distortions, and manage negative emotions. Additionally, practicing awareness can ensure behaviors and actions are thoughtful and beneficial to their goals. It also involves not overlooking positive thoughts, feelings, and behaviors, but savoring them.

ii. Cognitive Reappraisal

Cognitive reappraisal refers to reflecting on a past, stressful event as less negative and finding positive attributes about it.²³¹ This approach of reinterpreting past events in a positive perspective does not ignore or diminish the negative aspects; instead, it provides an additional viewpoint where something good can come from it, too.²³²

Studies have shown that people who can effectively use cognitive reappraisal report greater overall wellbeing and life satisfaction, increased positive affect, and fewer depression and anxiety symptoms.²³³ The individual, therefore, can reframe a negative event to find something positive that helps them to reduce their stress and improve their coping and recovery.²³⁴

²³⁰ For more on methods to counter cognitive distortions, see John M. Grohol, *10 Proven Methods for Fixing Cognitive Distortions*, WASH. STATE UNIV., https://www.vetmed.wsu.edu/docs/librariesprovider16/docs---teaching-academy/10-proven-methods-for-fixing-cognitive-distortions.pdf?sfvrsn=576433b_2 [<https://perma.cc/ZX6S-MVTF>] (last visited Feb. 8, 2022).

²³¹ See generally SOUTHWICK & CHARNEY, *supra* note 218.

²³² See generally RICK HANSON, *RESILIENT: HOW TO GROW AN UNSHAKABLE CORE OF CALM, STRENGTH, AND HAPPINESS* (2018).

²³³ See generally Chen Xu et al., *Cognitive Reappraisal and the Association Between Perceived Stress and Anxiety Symptoms in COVID-19 Isolated People*, 11 *FRONTIERS PSYCHIATRY* 858 (2020).

²³⁴ See generally HANSON, *supra* note 232; KELLI HARDING, *THE RABBIT EFFECT: LIVE LONGER, HAPPIER, AND HEALTHIER WITH THE GROUNDBREAKING SCIENCE OF KINDNESS* (2020).

Cognitive reappraisal involves controlling what an individual is able to do, even after the stressful or traumatic event has passed. Studies have shown that through a cognitive reappraisal of those events, individuals have felt more compassion for others, greater connectedness with people, a new sense of meaning and purpose in life, and enhanced maturity and wisdom.²³⁵

iii. Connectedness

Individuals are influenced by the people with which they surround themselves. Research has shown, based on who those people are and their actions, that the influence can be either positive or negative.²³⁶

Before exploring the benefits of social connectedness, the opposite— isolation and loneliness—and the detrimental impact on mental health that is caused by isolation and loneliness, will be examined. Social isolation has been described as a strong and reliable predictor of suicidal ideation, attempts, and behavior.²³⁷ Low levels of social support and isolation have also been linked with high levels of stress and post-traumatic stress disorder (“PTSD”).²³⁸ Further, social exclusion has been linked with reduced meaning and purpose in life.²³⁹

Loneliness has been described as an epidemic²⁴⁰ and it is particularly concerning for personnel in policing, specifically c/h negotiators. Considering the high pressure and stressful work in which they are involved, as well as their interaction with people in adverse situations where anger, frustration, and violence can be directed toward them, isolating themselves after the incident and while off-duty can contribute to a feeling of loneliness. Research has linked loneliness with mental health conditions such as alcohol abuse,²⁴¹ depression, and anxiety.²⁴² Again, this is notably troub-

²³⁵ For more benefits of cognitive reappraisal, see SOUTHWICK & CHARNEY, *supra* note 218, at 234–35.

²³⁶ Nicholas Christakis & James H Fowler, *Social Contagion Theory: Examining Dynamic Social Networks and Human Behavior*, 32 STAT. MED. 556, 556 (2013).

²³⁷ Kimberly Van Orden et al., *The Interpersonal Theory of Suicide*, 117 PSYCH. REV. 575, 579 (2010).

²³⁸ See generally SOUTHWICK & CHARNEY, *supra* note 218.

²³⁹ Tyler Stillman et al., *Alone and Without Purpose: Life Loses Meaning Following Social Exclusion*, 45 J. EXPERIMENTAL SOC. PSYCH. 686, 686 (2009).

²⁴⁰ The “Loneliness Epidemic”, HEALTH RES. & SERVS. ADMIN. (Jan. 2019), <https://www.hrsa.gov/enews/past-issues/2019/january-17/loneliness-epidemic> [<https://perma.cc/2PDY-LKHY>].

²⁴¹ Ingemar Akerlind & Jan Olof Hörnquist, *Loneliness and Alcohol Abuse: A Review of Evidences of an Interplay*, 34 SOC. SCI. & MED. 405, 405 (1982).

ling, as research has shown that law enforcement officers have higher rates of various mental health conditions, such as depression, compared to the general population.²⁴³

As much as there is conclusive evidence demonstrating the adverse effects of social isolation and loneliness, research has also shown that having positive social networks can be both protective of an individual's wellbeing and contribute to strengthening the individual's resilience.²⁴⁴ When people are surrounded by a strong social network, it has a direct influence on their mental and physical health. It can increase their perception of self-control, contribute to positive behaviors, and lead to them assessing stressful events as manageable.²⁴⁵ Importantly, it is the right type of social network that sustains and enhances resilience. These types of positive, supportive social networks can "create love and trust, provide role models, and offer encouragement and reassurance."²⁴⁶

iv. Controlled Breathing

Controlled breathing practices are arguably the most frequently suggested breathing practice related to resilience, and generally, for improving overall wellbeing.²⁴⁷ One reason for this is that controlled breathing is easily accessible and simple to practice. The term "controlled breathing" is used to encompass a variety of different breathing practices, and it is worth noting that, despite the title, controlled breathing is much more than only controlling

²⁴² Amy Novotney, *The Risks of Social Isolation*, AM. PSYCH. ASS'N (May 2019), at 35, <https://www.apa.org/education-career/ce/social-isolation.pdf> [<https://perma.cc/2NQ5-CFD6>].

²⁴³ John Violanti, *On Policing—A Matter of Psychological Survival*, JAMA OPEN NETWORK 1, 1 (2020).

²⁴⁴ SOUTHWICK & CHARNEY, *supra* note 218, at 145–46.

²⁴⁵ *Id.* at 146.

²⁴⁶ Building Your Resilience, *supra* note 142; Jill Suttie, *Four Ways Social Support Makes You More Resilient*, GREATER GOOD MAG. (Nov. 13, 2017), https://greatergood.berkeley.edu/article/item/four_ways_social_support_makes_you_more_resilient [<https://perma.cc/6LMQ-33FY>].

²⁴⁷ Emma M. Seppälä et al., *Breathing-Based Meditation Decreases Posttraumatic Stress Disorder Symptoms in U.S. Military Veterans: A Randomized Controlled Longitudinal Study*, 27 J. TRAUMATIC STRESS 397, 397–98, 400, 403 (2014); Michael R. Goldstein, Rivian K. Lewin, & John J. B. Allen, *Improvements in Well-Being and Cardiac Metrics of Stress Following a Yogic Breathing Workshop: Randomized Controlled Trial with Active Comparison*, J. AM. COLL. HEALTH 1, 1–3, 7–8 (2020); see Emma M. Seppälä et al., *Promoting Mental Health and Psychological Thriving in University Students: A Randomized Controlled Trial of Three Well-Being Interventions*, 11 FRONTIERS PSYCHIATRY 590 (2020).

one's breath. It involves breathing in a specific manner, also referred to as diaphragmatic (abdominal) breathing.²⁴⁸

These types of breathing practices have the practitioner take in breaths (often through their nose) that expand the abdominal area, but that does not expand the chest. Different types of breathing practices include breathing in and out for an equal number of seconds, breathing longer exhale breaths, counting breaths, visualizing while breathing, slowing or increasing the in-and-out breaths, pursing one's lips when exhaling, and participating in guided breathing practices.²⁴⁹ Different studies have shown that controlled breathing practices can reduce stress, anger, confusion, and depression, and improve cognitive performance, mood, quality of life, sleep, and emotional wellbeing.²⁵⁰ A variety of professionals have embraced controlled breathing practices, and the benefits have been demonstrated both anecdotally as well as in studies focusing on elite athletes,²⁵¹ the military²⁵²—including U.S. Navy SEALs²⁵³—NASA astronauts,²⁵⁴ nurses,²⁵⁵ and lawyers.²⁵⁶

²⁴⁸ Anne Bruton, Rachel Garrod, & Mike Thomas, *Respiratory Physiotherapy: Towards a Clearer Definition of Terminology*, 97 *PHYSIOTHERAPY* 345, 345–46, 348 (2011).

²⁴⁹ For examples of breathing practices, see Daniela Ramirez, *The Power of Deep Breathing: 7 Techniques and Exercises*, POSITIVEPSYCHOLOGY.COM (Mar. 3, 2022), <https://positivepsychology.com/deep-breathing-techniques-exercises/> [https://perma.cc/2SD5-25SN]; Corey Whelan, *The Best Breathing Exercises for COVID-19*, HEALTHLINE (Dec. 21, 2021), <https://www.healthline.com/health/breathing-exercises-for-covid#outlook> [https://perma.cc/J4VD-Z4KP].

²⁵⁰ For reviews of breathing practices, see Yan Zou et al., *Meta-Analysis of Effects of Voluntary Slow Breathing Exercises for Control of Heart Rate and Blood Pressure in Patients with Cardiovascular Diseases*, 120 *AM. J. CARDIOLOGY* 148, 148 (2017); Kamal R. Mahtani, David Nunan, & Carl J. Heneghan, *Device-Guided Breathing Exercises in the Control of Human Blood Pressure: Systematic Review and Meta-Analysis*, 30 *J. HYPERTENSION* 852, 852–53 (2012); see generally Andrea Zaccaro et al., *How Breath-Control Can Change Your Life: A Systematic Review on Psycho-Physiological Correlates of Slow Breathing*, 12 *FRONTIERS HUM. NEUROSCIENCE* 353 (2018); Xiao Ma et al., *The Effect of Diaphragmatic Breathing on Attention, Negative Affect and Stress in Healthy Adults*, 8 *FRONTIERS PSYCH.* 874, 874–75 (2017); Nutsupa Ubolnuar et al., *Effects of Breathing Exercises in Patients with Chronic Obstructive Pulmonary Disease: Systematic Review and Meta-Analysis*, 43 *ANNALS REHAB. MED.* 509, 510 (2019); Ramirez, *supra* note 249; Whelan, *supra* note 249.

²⁵¹ Mike J. Gross et al., *Abbreviated Resonant Frequency Training to Augment Heart Rate Variability and Enhance On-Demand Emotional Regulation in Elite Sport Support Staff*, 41 *APPLIED PSYCHOPHYSIOLOGY & BIOFEEDBACK* 263, 263 (2016).

²⁵² Elizabeth Russell, *Bringing Mindfulness Into the Military*, MINDFUL.ORG (Feb. 26, 2016), <https://mindful.org/where-mindfulness-meets-warrior-culture/> [https://perma.cc/WF4A-BWYA].

²⁵³ Mark Divine, *The Breathing Technique a Navy SEAL Uses to Stay Calm and Focused*, TIME (May 4, 2016, 9:30 AM), <https://time.com/4316151/breathing-technique-navy-seal-calm-focused/> [https://perma.cc/H2YD-NCSY].

v. Emotions (Acknowledgment and Regulation)

It is said that an event or situation does not lead to an emotional reaction; rather, the emotional reaction is influenced by an individual's subjective appraisal and interpretation of the event or situation.²⁵⁷ Emotions are not inherently positive or negative, either; it is how the emotion or emotions are harnessed that determines if they are constructive or destructive.²⁵⁸ Research has demonstrated that one of the most effective ways to manage emotions is by acknowledging the emotion.²⁵⁹ These studies have shown that when individuals acknowledge the emotions they experience, they rate negative emotions, such as sadness and anger, as less intense,²⁶⁰ and it has a positive impact on their body's physiology.²⁶¹

What might ostensibly be perceived as a negative experience, stress and anxiety do not necessarily produce adverse implications. When managed properly, acknowledged, and felt at moderate

²⁵⁴ Jessica Hullinger, *The Transcendental Revelations of Astronauts*, WEEK (Apr. 28, 2016), <https://theweek.com/articles/619451/transcendental-revelations-astronauts> [<https://perma.cc/8VQS-2KVJ>].

²⁵⁵ Pamela van der Riet, Tracy Levett-Jones, & Catherine Aquino-Russell, *The Effectiveness of Mindfulness Meditation for Nurses and Nursing Students: An Integrated Literature Review*, 65 NURSE EDUC. TODAY 201, 201–202 (2018).

²⁵⁶ Brian D. Israel, *Lawyers Who Meditate: How the Practice Will Shape Your Purpose (and Vice Versa)*, LAW.COM (Apr. 15, 2020, 1:03 PM), <https://www.law.com/nationallawjournal/2020/04/15/lawyers-who-meditate-how-the-practice-will-shape-your-purpose-and-vice-versa/?sreturn=20220019093910> [<https://perma.cc/94CJ-58NP>].

²⁵⁷ James J. Gross & Oliver P. John, *Individual Differences in Two Emotion Regulation Processes: Implications for Affect, Relationships, and Well-Being*, 85 J. PERSONALITY & SOC. PSYCH. 348, 348 (2003).

²⁵⁸ DAVID DESTENO, EMOTIONAL SUCCESS: THE POWER OF GRATITUDE, COMPASSION, AND PRIDE 91 (2018).

²⁵⁹ HELEN RIESS & LIZ NEPARENT, THE EMPATHY EFFECT: SEVEN NEUROSCIENCE-BASED KEYS FOR TRANSFORMING THE WAY WE LIVE, LOVE, WORK, AND CONNECT ACROSS DIFFERENCES 53 (2018); *CNetS Social Media Study Shows How Affect Labeling Can Help Moderate Emotions*, CNETS (Dec. 17, 2018), <https://cnets.indiana.edu/blog/2018/12/17/bollen-social-media-study-shows-how-affect-labeling-can-help-moderate-emotions/> [<https://perma.cc/KAF9-84VY>]; Matthew D. Lieberman et al., *Putting Feelings into Words: Affect Labeling Disrupts Amygdala Activity in Response to Affective Stimuli*, 18 PSYCH. SCI. 421, 421 (2007); Rui Fan et al., *The Minute-Scale Dynamics of Online Emotions Reveal the Effects of Affect Labeling*, 3 NAT. HUM. BEHAV. 92, 92 (2019); J. David Creswell et al., *Neural Correlates of Dispositional Mindfulness During Affect Labeling*, 69 PSYCHOSOMATIC MED. 560, 560 (2007); ALICE BOYES, THE HEALTHY MIND TOOLKIT: SIMPLE STRATEGIES TO GET OUT OF YOUR OWN WAY AND ENJOY YOUR LIFE 66–67 (2018).

²⁶⁰ Lieberman et al., *supra* note 259, at 421.

²⁶¹ Golnaz Tabibnia, Matthew D. Lieberman, & Michelle G. Craske, *The Lasting Effect of Words on Feelings: Words May Facilitate Exposure Effects to Threatening Images*, 8 EMOTION, 307, 311 (2008).

levels, stress and anxiety can have positive effects. Experiencing stress can demonstrate that the individual cares about what is occurring, and it can lead to personal growth.²⁶² What is critical to the beneficial impact of anxiety and stress is how the individual perceives/cognitively frames it (as helpful or harmful). As previously mentioned, it is necessary to name and rename anxiety within certain contexts. An example of renaming anxiety, also described as “anxiety reappraisal,” is replacing it with “excitement” or “excited” and thinking about it not as debilitating, but rather as contributing to enhancing one’s performance.²⁶³

Emotions and resilience also involve acknowledging positive emotions.²⁶⁴ Through the use of brain-imaging technology, research has shown that acknowledging and savoring positive emotions “trigger” the reward circuitry parts of the brain.²⁶⁵ When an individual experiences a positive emotion, it can have an “upward spiral”²⁶⁶ effect—leading to an increase in wellbeing—as well as other positive emotions such as gratitude, awe, and amusement.²⁶⁷ Positive emotions associated with humor, laughter, and smiling can also have a beneficial impact on resilience by contributing to greater daily positive moods,²⁶⁸ improvements in immune functioning,²⁶⁹ and stress relief.²⁷⁰

²⁶² Alia Crum & Thomas Crum, *Stress Can Be a Good Thing If You Know How to Use It*, HARV. BUS. REV. (Sept. 3, 2015), <https://hbr.org/2015/09/stress-can-be-a-good-thing-if-you-know-how-to-use-it> [<https://perma.cc/HQ74-HTKP>].

²⁶³ Alison Wood Brooks, *Get Excited: Reappraising Pre-Performance Anxiety as Excitement*, 143 J. EXPERIMENTAL PSYCH. GEN. 1144, 1144 (2014); Jeremy P. Jamieson et al., *Turning the Knots in Your Stomach into Bows: Reappraising Arousal Improves Performance on the GRE*, 46 J. EXPERIMENTAL SOC. PSYCH. 208, 208 (2010); Alia Crum, *Rethinking Stress: The Role of Mindsets in Determining the Stress Response*, 104 J. PERSONALITY & SOC. PSYCH. 716, 716 (2013).

²⁶⁴ See generally Michele M. Tugade, Barbara L. Fredrickson, & Lisa Feldman Barrett, *Psychological Resilience and Positive Emotional Granularity: Examining the Benefits of Positive Emotions on Coping and Health*, 72 J. PERSONALITY 1161 (2004).

²⁶⁵ *Positive Emotions and Your Health: Developing a Brighter Outlook*, NIH NEWS HEALTH (Aug. 2015), <https://newsinhealth.nih.gov/2015/08/positive-emotions-your-health> [<https://perma.cc/MVY7-YCCU>].

²⁶⁶ Barbara Fredrickson & Thomas Joiner, *Positive Emotions Trigger Upward Spirals Toward Emotional Well-Being*, 13 PSYCH. SCI. 172, 172 (2002).

²⁶⁷ Lauren Klein, *How Positive Emotions Improve Our Health*, GREATER GOOD MAG. (June 20, 2013), https://greatergood.berkeley.edu/article/item/how_positive_emotions_improve_our_health [<https://perma.cc/NZV5-8QDB>].

²⁶⁸ Kathleen M. Dillon, Brian Minchoff, & Katherine H. Baker, *Positive Emotional States and Enhancement of the Immune System*, 15 INT’L J. PSYCHIATRY MED. 13, 17 (1985).

²⁶⁹ Diana L. Mahony, W. Jeffrey Burroughs, & Louis G. Lippman, *Perceived Attributes of Health-Promoting Laughter: A Cross-Generational Comparison*, 136 J. PSYCH. 171, 172 (2002).

²⁷⁰ Tara L. Kraft & Sarah D. Pressman, *Grin and Bear It: The Influence of Manipulated Facial Expression on the Stress Response*, 23 PSYCH. SCI. 1372, 1372 (2012); Lori Sideman Goldberg &

vi. Gratitude

Gratitude practices are frequently referred to in resilience training as an effective method of managing an individual's wellbeing. This is because gratitude can counter negative emotions, help fight negative stress, build resilience, improve self-worth, and strengthen social connectedness.²⁷¹ Gratitude practices can also improve an individual's physical health and contribute to overall healthy behaviors.²⁷² Considering much of the work of c/h negotiators involves situations that contain ambiguity and the inability to control everything that is occurring, especially in incidents involving hostages, gratitude practices can contribute to increased self-control while decreasing anxiety and fear.²⁷³

Additionally, and as a demonstration of how each of the resilience skills is interconnected, studies have shown that having gratitude can contribute to finding meaning and purpose in one's work.²⁷⁴

There are various forms of gratitude practices that have similarities, as they each involve reflecting on positive aspects of recent or distant events.²⁷⁵ Experiencing the benefits of gratitude practices does not require extensive sessions, either. Brief practices of reflecting on positive events in the past have been shown to regu-

Alicia A. Grandey, *Display Rules Versus Display Autonomy: Emotion Regulation, Emotional Exhaustion, and Task Performance in a Call Center Simulation*, 12 J. OCCUPATIONAL HEALTH PSYCH. 301, 302 (2007).

²⁷¹ See generally Robert Emmons, *10 Ways to Become More Grateful*, GREATER GOOD MAG. (Nov. 17, 2010), https://greatergood.berkeley.edu/article/item/ten_ways_to_become_more_grate_full [<https://perma.cc/FW7M-9GQ3>].

²⁷² Rachel A. Millstein et al., *The Effects of Optimism and Gratitude on Adherence, Functioning and Mental Health Following an Acute Coronary Syndrome*, 43 GEN. HOSP. PSYCHIATRY 17, 17 (2016).

²⁷³ See generally DeSteno, *supra* note 258; JEREMY DEAN, MAKING HABITS, BREAKING HABITS: WHY WE DO THINGS, WHY WE DON'T, AND HOW TO MAKE ANY CHANGE STICK (2013).

²⁷⁴ Bryan J. Dik et al., *Purpose and Meaning in Career Development Applications*, 43 POSITIVE PSYCH. 558, 567 (2015).

²⁷⁵ See e.g., Jeff Thompson, *Resilience and the Practice of Gratitude: How a Gratitude Practice Can Contribute to Your Inner Strength*, PSYCH. TODAY (Mar. 29, 2020), <https://www.psychologytoday.com/us/blog/beyond-words/202003/resilience-and-the-practice-gratitude> [<https://perma.cc/9MXU-9FPW>]; see generally Robert A. Emmons & Michael McCullough, *Counting Blessings Versus Burdens: Experimental Studies of Gratitude and Subjective Well-Being*, 84 J. PERSONALITY & SOC. PSYCH. 377 (2003); see generally Randy A. Sansone & Lori A. Sansone, *Gratitude and Well Being: The Benefits of Appreciation*, 7(11) PSYCHIATRY 18 (2010); see generally Lúzie Fofonka Cunha, Lucia Campos Pellanda, & Caroline Tozzi Reppold, *Positive Psychology and Gratitude Interventions: A Randomized Clinical Trial*, 10 FRONTIERS PSYCH. 584 (2019); Jeremy Dean, *Happiness: 18 Ways to Make Yourself Happy Today*, PSYBLOG (Oct. 1, 2021), <https://www.spring.org.uk/2021/10/happiness.php> [<https://perma.cc/E4S4-XWSZ>].

late blood flow in certain areas of the brain²⁷⁶ and physically change the brain's features.²⁷⁷

Gratitude practices are not intended to minimize or dismiss any experienced hardships. Rather, gratitude practices can provide an important balance to an individual's perspective, so that the individual does not solely focus on negative events. Gratitude practices also contribute to an overall shift in one's daily perspective; the more a person practices gratitude, the more attuned a person becomes with recognizing moments of gratitude in their lives.²⁷⁸

vii. Meaning and Purpose in Life

Research has shown that having meaning and purpose in life ("M/PiL") can strengthen a person's resilience.²⁷⁹ Although differences between the two terms have been noted in previous research, this Article considers them together, given their significant overlap in meaning and their similar role in resilience. Moreover, they capture each other in their definitions. For example, Reker and Wong's definition of meaning in life includes having a purpose in one's existence.²⁸⁰ Alimujiang and colleagues define purpose as an aim that is goal-oriented, promotes wellbeing, gives meaning to one's life,²⁸¹ and prolongs a person's life.²⁸²

M/PiL includes having a direction in one's life, having a positive perspective about one's approach in life, making short-term decisions to contribute toward long-term goals, and realizing that purpose goes beyond just achieving one's own goals but includes making a positive contribution to the greater community.²⁸³ According to Bronk, "a purpose in life refers to the way individuals use their skills and talents to make a meaningful contribution to

²⁷⁶ Andrea Caria et al., *Regulation of Anterior Insular Cortex Activity Using Real-Time fMRI*, 35 NEUROIMAGE 1238, 1241 (2007).

²⁷⁷ Jessica Stillman, *Gratitude Physically Changes Your Brain, New Study Says*, INC.COM, <https://www.inc.com/jessica-stillman/the-amazing-way-gratitude-rewires-your-brain-for-happiness.html> [<https://perma.cc/F85Q-WHFU>] (last visited Mar. 20, 2022).

²⁷⁸ *Id.*

²⁷⁹ SOUTHWICK & CHARNEY, *supra* note 218, at 251.

²⁸⁰ Gary T. Reker & Paul T. P. Wong, *Aging as an Individual Process: Towards a Theory of Personal Meaning*, in HANDBOOK OF THEORIES OF AGING 214 (1988).

²⁸¹ Aliya Alimujiang et al., *Association Between Life Purpose and Mortality Among US Adults Older Than 50 Years*, 2 JAMA NETWORK OPEN (2019).

²⁸² See generally Patrick L. Hill & Nicholas A. Turiano, *Purpose in Life as a Predictor of Mortality Across Adulthood*, 25 PSYCH. SCI. 1482 (2014).

²⁸³ Parissa J. Ballard & Emily J. Ozer, *The Implications of Youth Activism for Health and Well-Being*, in CONTEMPORARY YOUTH ACTIVISM: ADVANCING SOCIAL JUSTICE IN THE UNITED STATES 232 (2016).

the broader world.”²⁸⁴ There are four proposed subsets to purpose: prosocial, creative, financial, and personal recognition.²⁸⁵ Although M/PiL is developed by the individual, studies show it can be enhanced through social connections.²⁸⁶

Often, meaning and purpose in life are connected to one’s employment, and studies have shown that when a person is proud of their work, it makes their work more meaningful.²⁸⁷ However, meaning and a sense of purpose are not limited to a person’s work. More broadly, having a purpose in life is associated with better cognition abilities and performance of day-to-day activities.²⁸⁸ Aside from finding meaning in their work, people who also have direction in life concerning their community and school have greater resilience in a crisis compared to those lacking in direction.²⁸⁹ Additional research has shown that having a purpose in life can serve as a buffer and protection from negative events.²⁹⁰

The benefits to having meaning and purpose in life are varied, like the other mentioned resilience skills. M/PiL can improve sleep quality,²⁹¹ prolong life,²⁹² encourage people to view their lives as significant, and improve the connection between people.²⁹³ Importantly, an individual’s life’s purpose and meaning are not fixed. M/PiL can change over time, and it is shaped by a variety of factors including family, work, community, spirituality, and others.²⁹⁴

²⁸⁴ Jamie D. Aten, *The Impact of Human Purpose on Resiliency, How Human Purpose Shapes Our Individual Lives and the World at Large*, PSYCH. TODAY (Mar. 29, 2021), <https://www.psychologytoday.com/us/blog/hope-resilience/202103/the-impact-human-purpose-resiliency> [<https://perma.cc/V5WM-CRC6>].

²⁸⁵ See generally Patrick L. Hill et al., *Collegiate Purpose Orientations and Well-Being in Adulthood*, 31(2) J. APPLIED DEVELOPMENTAL PSYCH. 173.

²⁸⁶ See generally Stillman et al., *supra* note 239.

²⁸⁷ SOUTHWICK & CHARNEY, *supra* note 218, at 252.

²⁸⁸ Stacy M. Schaefer et al., *Purpose in Life Predicts Better Emotional Recovery from Negative Stimuli*, 8 PLoS ONE (2013).

²⁸⁹ SOUTHWICK & CHARNEY, *supra* note 218, at 252.

²⁹⁰ Schaefer et al., *supra* note 288.

²⁹¹ Stuart Taylor, *Sleep to Stay in the Race: How Sleep Fuels Productivity and Resilience*, SMART CO. (June 9, 2017), <https://www.smartcompany.com.au/people-human-resources/productivity/sleep-stay-race-sleep-fuels-productivity-resilience/> [<https://perma.cc/KX7H-RXT9>].

²⁹² Alimujiang et al., *supra* note 281.

²⁹³ SOUTHWICK & CHARNEY, *supra* note 218, at 264.

²⁹⁴ Kashmira Gander, *People With a Sense of Purpose Live Longer, Study Suggests*, NEWSWEEK (May 24, 2019, 11:10 AM), <https://www.newsweek.com/people-sense-purpose-live-longer-study-suggests-1433771> [<https://perma.cc/V9BD-6ZBT>].

viii. Physical Health

Physical health incorporates numerous practices. Delving into all the practices is beyond the scope of this Article. For this Article, two practices will be discussed: physical exercise and sufficient sleep.

There are a variety of physical exercises, such as aerobic exercise, where extensive research demonstrating the benefits of enhancing resilience exists.²⁹⁵ There is strong evidence that physical activity can lower the risks of death, stroke, high blood pressure, and various types of cancer.²⁹⁶ Research has shown that physical activities do not have to be time-consuming or complex to support physical health. Physical activities can include walking, biking, or hiking, for as little as ten to fifteen minutes.²⁹⁷ Concerning cardiovascular health, there are specific activities that are more beneficial than others, particularly those that impact the heartbeat rate.²⁹⁸

As previously explained, exercise positively influences physical health, yet it also has wider effects. Some of these effects include: (1) contributing to healthier eating habits;²⁹⁹ (2) supporting mental health—as it can have a positive influence on brain functioning—cognition, and the previously mentioned neuroplasticity of the brain;³⁰⁰ and (3) enhancing memory, thinking skills, and creativity.³⁰¹ Physical exercise can also help people better handle stress and anxiety, while supporting positive moods and mood regulation.³⁰²

Achieving adequate sleep is another skill the authors of this Article consider to be part of physical health. Although sleeping

²⁹⁵ See generally Suzanne Kobasa, Salvatore R. Maddi, & Mark C. Puccetti, *Personality and Exercise as Buffers in the Stress-Illness Relationship*, 5 J. BEHAV. MED. 391 (1982).

²⁹⁶ For more, see SOUTHWICK & CHARNEY, *supra* note 218.

²⁹⁷ KAREN WALKER, RESEARCH BRIEF FITNESS AND PHYSICAL ACTIVITY, EDUCATION PARTNERS INC. (2005), <https://files.eric.ed.gov/fulltext/ED537583.pdf> [<https://perma.cc/HQ2P-JTES>].

²⁹⁸ Alison Aubrey, *How Revving Up Your Heart Rate, Even A Bit, Pays Off*, NPR (Feb. 1, 2010, 12:01 AM), <https://www.npr.org/templates/story/story.php?storyId=123108679> [<https://perma.cc/XBS2-6TMF>].

²⁹⁹ Geri Kelley, *Exercising Helps You Make Better Food Choices*, MSU TODAY (Feb. 28, 2019), <https://msutoday.msu.edu/news/2019/exercising-helps-you-make-better-food-choices> [<https://perma.cc/ZR4F-Q6KD>].

³⁰⁰ Carl W. Cotman & Nicole C. Berchtold, *Exercise: A Behavioral Intervention to Enhance Brain Health and Plasticity*, 25 TRENDS NEUROSCIENCES 295, 295 (2002).

³⁰¹ Hannah Steinberg et al., *Exercise Enhances Creativity Independently of Mood*, 31 BRIT. J. SPORTS MED. 240, 240 (1997); Heidi Godman, *Regular Exercise Changes the Brain to Improve Memory, Thinking Skills*, HARV. HEALTH PUBL'G (Apr 9, 2014), <https://www.health.harvard.edu/blog/regular-exercise-changes-brain-improve-memory-thinking-skills-201404097110> [<https://perma.cc/XAZ3-2CGD>].

³⁰² Kirsten Weir, *The Exercise Effect*, 42 MONITOR PSYCH. 48 (2011).

can be considered a “non-action,” the act of sleeping is nonetheless considered an activity.³⁰³ There is extensive research on the positive influence that physical activity has on better sleep,³⁰⁴ and how a sufficient amount of sleep affects physical health.³⁰⁵ Aside from the broad importance of sleep to the general population, it is particularly important for c/h negotiators. First, it is commonly known that many law enforcement personnel suffer from sleep-related issues.³⁰⁶ Further, and specific to c/h negotiators, their ability to effectively perform their negotiation duties can be negatively affected by insufficient sleep, as it can interfere with emotional control and memory, be detrimental to their mood, and contribute to feelings of hopelessness.³⁰⁷ Although police work—and specifically, the design of their typical shifts—can result in insufficient sleep, practical, evidence-based techniques exist that can support law enforcement with trying to obtain sufficient sleep.³⁰⁸

ix. Realistic Optimism/Prospection

Resilient people tend to be optimistic. They believe that change is not only possible, but that change can be for the better.³⁰⁹ They are optimistic and have realistic expectations for the future because they take action to contribute toward achieving their goals. The label “realistic” is incorporated in this resilience skill because it is the opposite of “Pollyannaism,” or being overly opti-

³⁰³ Dux Design, *The Activity Called Sleep*, DUXIANA (Mar. 2, 2014), <https://www.duxiana.com/magazine/the-activity-called-sleep/> [<https://perma.cc/M46A-6RUE>]; *The Science of Sleep: Understanding What Happens When You Sleep*, JOHNS HOPKINS MED., <https://www.hopkinsmedicine.org/health/wellness-and-prevention/the-science-of-sleep-understanding-what-happens-when-you-sleep> [<https://perma.cc/24F2-A3SS>] (last visited Feb. 8, 2022).

³⁰⁴ See generally M. Alexandra Kredlow et al., *The Effects of Physical Activity on Sleep: A Meta-Analytic Review*, 38 J. BEHAV. MED. 427 (2015).

³⁰⁵ See generally Andrew M. Watson, *Sleep and Athletic Performance*, 16 CURRENT SPORTS MED. REPS. 413 (2017); Daniel Bonnar et al., *Sleep Interventions Designed to Improve Athletic Performance and Recovery: A Systematic Review of Current Approaches*, 48 SPORTS MED. 683 (2018).

³⁰⁶ Thompson & Drew, *supra* note 2, at 2079; see generally Tara A. Hartley et al., *Association Between Police-Specific Stressors and Sleep Quality: Influence of Coping and Depressive Symptoms*, 1 J. L. ENF'T LEADERSHIP & ETHICS 31 (2014).

³⁰⁷ See generally Jeff Thompson, *Sleep: Practical Tips to Increase Resilience*, PSYCH. TODAY (Apr. 6, 2020), <https://www.psychologytoday.com/us/blog/beyond-words/202004/sleep-practical-tips-increase-resilience> [<https://perma.cc/8KND-9NX6>]; Paula Alhola & Paivi Polo-Kantola, *Sleep Deprivation: Impact on Cognitive Performance*, 3 NEUROPSYCHIATRIC DISEASE & TREATMENT 553, 554 (2007); William D.S. Killgore, *Effects of Sleep Deprivation on Cognition*, 185 PROGRESS BRAIN RSCH. 105, 113–14 (2010).

³⁰⁸ Thompson, *supra* note 307.

³⁰⁹ KAREN REIVICH & ANDREW SHATTE, *THE RESILIENCE FACTOR* 56 (2002).

mistic without taking actions to contribute to accomplishing their goals.

A realistic approach to optimism involves possessing a sense of “agency,” or being active in situations by controlling what one is able to control.³¹⁰ Dr. Rick Hanson more pointedly describes this agency as “a hammer rather than a nail,”³¹¹ as optimistic people believe they can influence the events occurring in their lives.³¹²

Prospection is closely linked with realistic optimism because from one perspective, each is the opposite of practicing gratitude. Gratitude practices refer to reflecting on past events to find positive meaning in those events, while prospection (and realistic optimism) involves forward, future thinking. Importantly, neither prospection nor realistic optimism are limited to cognitive functions of positive thinking about the future; rather, both involve deliberate, goal-oriented behaviors and actions in a given situation.³¹³

There are four strategies associated with increasing optimism: focusing attention on the positive things in life, intentionally having positive thoughts while not dwelling on the negative ones, reframing negative events to see positive aspects of it (as previously discussed with cognitive reappraisal), and taking actions that promote positive feelings.³¹⁴

x. Self-Compassion

Self-compassion is a term that some, notably in policing, could be dismissive of or fail to establish an association with resilience, especially when compared to other resilience skills. Some might refer to self-compassion as being too “soft,” but this is a misperception, as self-compassion is critical to resilience and overall well-being.³¹⁵ People might inaccurately label self-esteem as the necessary skill instead of self-compassion, and although both are helpful, it is argued that self-compassion is much more valuable.³¹⁶

³¹⁰ HANSON, *supra* note 232, at 78.

³¹¹ *Id.* at 79.

³¹² Sharon Guarnera & Robert L. Williams, *Optimism and Locus of Control for Health and Affiliation Among Elderly Adults*, 42 J. GERONTOLOGY 594, 594–95 (1987).

³¹³ Adam Bulley & Muireann Irish, *The Functions of Prospection—Variations in Health and Disease*, 9 FRONTIERS PSYCH. 2328, 2328 (2018).

³¹⁴ SOUTHWICK & CHARNEY, *supra* note 218, at 51.

³¹⁵ Jeff Thompson, *Resilience Goes Hand-In-Hand With This*, PSYCH. TODAY (July 1, 2020), <https://www.psychologytoday.com/intl/blog/beyond-words/202007/resilience-goes-hand-in-hand> [<https://perma.cc/R9FQ-UTSA>].

³¹⁶ KRISTIN NEFF, *SELF-COMPASSION: THE PROVEN POWER OF BEING KIND TO YOURSELF* 153–54 (2011).

According to Neff, self-compassion is defined as acknowledgment that people are not perfect and that each of us experiences suffering.³¹⁷ She adds that it is having an understanding of ourselves and recognizing when we fail and feel inadequate. This approach does not ignore those feelings and is not self-disparaging; rather, it encourages people to treat themselves fairly and in the same way they would provide compassion to others they care about.³¹⁸

Research with military veterans has shown that having self-compassion negatively correlates with symptoms of depression, PTSD, anger, shame, thwarted belongingness, and a sense of being a burden to others. Additionally, increasing self-compassion within this group reduced the threat of suicide.³¹⁹

More generally, research has shown that the association between self-compassion and resilience is vast: it is associated with life satisfaction; it can increase social connectedness with others, increase self-confidence, and improve the ability to cope with negative emotions; it can decrease the need to compare oneself to others; and it can reduce the likelihood of developing compassion fatigue with others.³²⁰

xi. Self-Efficacy

Self-efficacy refers to having a belief and confidence in one's abilities to succeed, and that positive outcomes will arise in various situations.³²¹ Self-efficacy involves a perspective of a situation as being a challenge to be mastered. Five sources of self-efficacy are considered to exist: mastery experiences, vicarious experiences, verbal persuasion, emotional and physiological states, and imaginal experiences.³²²

³¹⁷ *Id.*

³¹⁸ *Id.* at 8.

³¹⁹ See generally Jessica Kelliher Rabon et al., *Self-Compassion and Suicide Risk in Veterans: When the Going Gets Tough, Do the Tough Benefit More from Self-Compassion?*, 10 *MINDFULNESS* 2544 (2019).

³²⁰ Christopher K. Germer & Kristin D. Neff, *Self-Compassion in Clinical Practice*, 69(8) *J. CLINICAL PSYCH.* 856, 869 (2013).

³²¹ See generally Albert Bandura, *An Agentic Perspective on Positive Psychology*, *POSITIVE PSYCHOLOGY: EXPECTING BEST IN PEOPLE* 167 (S. J. Lopez ed., 2008).

³²² See generally J.E. Maddux, *Self-Efficacy: The Power of Believing You Can*, *HANDBOOK OF POSITIVE PSYCH.* 227 (C.R. Snyder & S.J. Lopez eds., 2002).

Mastery experiences are described as the most influential source of the five.³²³ Personal mastery of an experience is valuable because it is the most authentic way to develop self-efficacy, as it is the person succeeding in the task. Self-efficacy is developed through firsthand experience by overcoming obstacles that require effort and perseverance. This type of experience is most effective when successes are achieved early with limited setbacks.³²⁴

Vicarious experiences refer to situations where an observer sees others that possess similar traits and succeed through continued effort. This can increase the observer's belief in their own abilities to succeed as well. The greater the similarity in the person and task that is being completed, the greater the impact it will have on the observer.

Verbal persuasion acknowledges that self-efficacy is influenced by people. Receiving supportive comments from others can increase a person's beliefs in their abilities to accomplish their goals. It is worth noting that the authors of this Article believe that verbal persuasion is not limited to external statements. Motivational self-talk as a form of verbal persuasion has also been demonstrated to have a positive impact on increasing self-efficacy and reducing anxiety.³²⁵ Additional benefits of self-talk include increasing cognitive functioning with respect to problem-solving, memory, and focus.³²⁶

The emotional and physiological state that an individual can experience will impact the degree of self-efficacy they possess. These experiences will impact the individual's interpretation of his or her belief in abilities. Therefore, awareness, regulation, and management of both the emotional and physiological state can contribute to self-efficacy. These are further explained in the awareness and emotions sections, respectively.

³²³ Megan Tschannen-Moran & Peggy McMaster, *Sources of Self-Efficacy: Four Professional Development Formats and Their Relationship to Self-Efficacy and Implementation of a New Teaching Strategy*, 110 *ELEMENTARY SCH. J.* 228, 230 (2009).

³²⁴ *Id.*

³²⁵ Nadja Walter, Lucie Nikoleizig, & Dorothee Alfermann, *Effects of Self-Talk Training on Competitive Anxiety, Self-Efficacy, Volitional Skills, and Performance: An Intervention Study with Junior Sub-Elite Athletes*, 7 *SPORTS* 148 (2019).

³²⁶ See Shahzad Tahmasebi Boroujeni & Mehdi Shahbazi, *The Effect of Instructional and Motivational Self-Talk on Performance of Basketball's Motor Skill*, 15 *PROCEDIA SOC. & BEHAV. SCI.* 3113, 3117 (2011); Walter, Nikoleizig, & Alfermann, *supra* note 325, at 162; Ethan Kross et al., *Self-Talk as a Regulatory Mechanism: How You Do It Matters*, 106 *J. PERSONALITY & SOC. PSYCH.* 304, 310 (2014).

The fifth source of self-efficacy, imaginal experiences, was suggested by psychologist James Maddux.³²⁷ Imaginal experiences occur when an individual visualizes herself taking actions to be both effective and successful at a particular task or situation. Studies have shown that a variety of professionals, including surgeons, athletes, military personnel, and musicians, apply visualization to increase their success.³²⁸

Research has explained that self-efficacy is a skill that can be enhanced by continuous practice.³²⁹ Psychologist Alex Bandura, who coined the term self-efficacy, elaborates that by putting in effort toward achieving one's goals—not simple endeavors with quick and easy completion rates—self-efficacy is developed.³³⁰ He further explains that if a person only experiences easy successes with rapid results, such an individual may be easily discouraged when experiencing failures. Regardless of past or current adverse environmental contexts, self-efficacy can serve as a countermeasure that enables the individual to flourish and live a meaningful life.³³¹

C. *Resilience Practices*

For the scope of this Article, the specific practices suggested in this section are presented for implementation during c/h negotiator training. These practices have been used by Jeff Thompson during trainings organized for police personnel, including c/h negotiators, from various agencies in Australia, Canada, England, New Zealand, Portugal, Scotland, Spain, and the United States, among others. The practices are grounded in several research studies, some of which have been shared in the previous section.

³²⁷ See generally Maddux, *supra* note 322.

³²⁸ Krista J. Munroe-Chandler & Michelle D. Guerrero, *Psychological Imagery in Sport and Performance*, OXFORD RSCH. ENCYCLOPEDIAS, PSYCH. (Apr. 26, 2017), <https://oxfordre.com/psychology/view/10.1093/acrefore/9780190236557.001.0001/acrefore-9780190236557-e-228> [<https://perma.cc/A25K-TCFY>].

³²⁹ Dale H. Schunk & Peggy A. Ertmer, *Self-Regulation and Academic Learning: Self-Efficacy Enhancing Interventions*, in *HANDBOOK OF SELF-REGULATION* 631 (2000).

³³⁰ See generally Bandura, *supra* note 321.

³³¹ See generally *id.*

i. Awe

The Awe Project is a five-day program³³² designed to elicit awe; however, it also includes other resilience practices. The cohort-based program is easily accessible through an individual's mobile phone. It entails watching a short video each morning and evening, a one-minute breathing practice, and then sharing a brief reflection with a group in a private Google Classroom.

Variations of the Awe Project have also been incorporated into in-person police training. This includes a ten-day homicide investigators course, where the first twenty minutes of each day begins with the facilitator showing a video with a one-minute breathing exercise and an awe-inducing video followed by two questions. Just like the standard version of the program, the first question is related to the videos while the second question involves incorporating other resilience skills and practices (i.e., cognitive reappraisal, gratitude, connectedness, self-efficacy, etc.). Each participant receives a mini notebook in which to write their answers and reflections, and the remaining approximately eight to ten minutes of the class is dedicated to group discussions on the videos and questions. An additional awe practice includes reflecting on a moment, either work-related or not, that induced awe for the individual (which is also a practice in the above-mentioned program). The participants write the awe narrative first, and they are then invited to share it with the persons sitting next to them or with the entire group. Both practices can be implemented at the start of each training day.

ii. Cognitive Reappraisal³³³

This practice involves a situation where the participants focus on a moment in which they were previously involved and reflect on something positive from that moment. An example is where the participants are asked to reflect on a previous crisis or hostage situation that did not have the intended resolution. After reflecting on the incident for a moment, the facilitator asks them to write down and share something positive that resulted from the incident.

It is pertinent to point out that in all these practices, the instructor is expected to note if any participant has an adverse response or reaction. It is important that proper resources are

³³² See THE AWE PROJECT, <https://www.5daysofawe.com> [<https://perma.cc/N8QM-HX2L>] (last visited Feb. 8, 2020).

³³³ Note that the resilience skill "awareness" is not listed as a practice in this section, as it is incorporated into each of the practices listed here.

available if required during any of these practices and in the course of the overall training (e.g., peer support, employee assistance, or a referral for counseling).

Furthermore, regarding the implementation of cognitive reappraisal practices, the COVID+ practice should be taken into consideration. The COVID+ practice involves a short presentation on how the COVID-19 pandemic has negatively impacted people, including the participants, both professionally and personally. During the exercise, participants are required to reflect on something positive that has happened to them in their personal lives because of the COVID-19 pandemic (hence the “+”). After considering their answers, the participants are asked to write them down and state reasons why they consider the experience as positive. This is then followed by a group discussion.

The COVID+ practice can be incorporated at any point during the training; however, it is suggested to be specifically implemented in training segments that are focused on understanding the subjects’ perspectives and during initial discussions explaining the role that empathy has in becoming an effective c/h negotiator.

iii. Controlled Breathing

Several evidence-based breathing practices can support a c/h negotiator. It is recommended that multiple practices be utilized during training, so that the c/h negotiator becomes familiar with them. Below are two breathing practices that can be utilized.

The first controlled breathing practice is breathing in for four seconds and exhaling for four seconds. It is suggested that, when possible, the participants breathe in and out through their nostrils, filling their abdomen area with air and exhaling from the abdomen area, not the chest. Pacing their breaths with a visual graphic can assist c/h negotiators when practicing this, especially those who are new to it.³³⁴

The second breathing practice is a grounding or guided imagery practice.³³⁵ First, the participants are asked to think of a place to which they have been and have enjoyed: a place that

³³⁴ As an example of a motion graphic that can be used, the following was created specifically for law enforcement. See @TalkToMe [THE AWE PROJECT], TWITTER, <https://twitter.com/TalkToMe/status/1239661665819344896> [<https://perma.cc/VUZ4-V4TW>] (last visited Feb. 8, 2020).

³³⁵ There are variations of this practice. See generally *5-4-3-2-1 Coping Technique for Anxiety*, UNIV. ROCHESTER MED. CTR., <https://www.urmc.rochester.edu/behavioral-health-partners/bhp-blog/april-2018/5-4-3-2-1-coping-technique-for-anxiety.aspx> [<https://perma.cc/F2B2-W593>] (last visited Feb. 8, 2020); Isabelle Pikörn, *The 5-4-3-2-1 Grounding Technique: Manage Anxiety* By

makes them happy. They are asked to pick a specific place, but they are to avoid picking places associated with a deceased loved one, as this could evoke melancholic memories and feelings about that person (which is not the purpose of the exercise). Once the location is selected, the participants are asked to close their eyes, breathe easily, and imagine that they are in that place. As the facilitator conducts the following prompts, a pause is used in between each prompt to allow the participants to respond mentally, rather than out loud. While keeping their eyes closed, the participants are asked to look around and imagine themselves in their happy place, while they are asked to: (1) identify four specific things they can see; (2) identify three specific things they can touch and think about what they feel like in their hands and fingertips; (3) identify two sounds or things they can hear; and finally, (4) identify one thing they can smell and or taste. Finally, the participants are asked to take a deep breath and to mentally say one word about how they feel in the moment, as they exhale. To conclude the exercise, the facilitator has each participant share one emotion. They are reminded how this exercise is related to control, and, more accurately, self-control and the cognitive triangle: they are responsible for their own (most likely positive) emotion that they are feeling.

It is recommended that the controlled breathing practices be incorporated throughout the training to emphasize their importance. They can be included immediately before presenting a scenario exercise or before any of the other practices, such as those in the awe program.

iv. Connectedness

Engaging in connectedness practices involves dedicating time to having a conversation that stresses the importance of social connectedness and its relationship to both personal resilience and being an effective c/h negotiator. During this conversation, the facilitator should share some empirical evidence that supports the benefits of connectedness, and also discuss the adverse impact that isolation and loneliness can have on an individual.

This can lead to group discussions where participants are asked about the people with which they spend time and the activities in which they enjoy engaging. During the group discussion, it is particularly important that the facilitator mentions that the par-

ticipants' responses should not be related to alcohol, given the high propensity of alcohol abuse in law enforcement compared to the general public. Rather, the focus here is on positive coping strategies.

Finally, and adapted from work done with suicide prevention,³³⁶ another exercise involves asking the participants to write down the names of three people that they trust whole-heartedly (which is not to be shared with anyone). After completing this exercise, the facilitator would explain that its significance can be realized when they find themselves in tough moments, and not necessarily when they are having suicidal thoughts, by highlighting that they are not alone either. The facilitator would clarify that reflecting on the list of names can counter their feelings of loneliness, as the participants become aware that they have people to whom they can reach out.

This practice is recommended to be implemented during the module on suicide prevention awareness and communication strategies during the c/h negotiation training.

v. Emotions (Acknowledgment and Regulation)

Understanding the emotions of the subject, and subsequently becoming proficient at acknowledging and de-escalating the negative emotions, is critical to the effectiveness of a c/h negotiator. Further, understanding emotions is not limited to those belonging to the subject. A c/h negotiator can enhance their wellness through practices that acknowledge and regulate their own emotions as well.

The “anger iceberg” exercise allows the participant to have a more accurate understanding of what occurred to result in their feeling of anger, or other underlying, potentially more intense emotions associated with anger.³³⁷ This practice involves, as demonstrated in Figure 2, the participants drawing the image below and writing “anger” (or “angry”) at the top. The participants are then asked to reflect on a recent situation or event that evoked anger in them. They are asked to consider the situation and write three to five corresponding emotions related to why they were angry. The facilitator would then explain the anger emotion as being

³³⁶ *Patient Safety Plan Template*, SUICIDE PREVENTION LIFELINE, https://suicidepreventionlifeline.org/wp-content/uploads/2016/08/Brown_St StanleySafetyPlanTemplate.pdf [<https://perma.cc/93WX-JFYW>] (last visited Feb. 8, 2022).

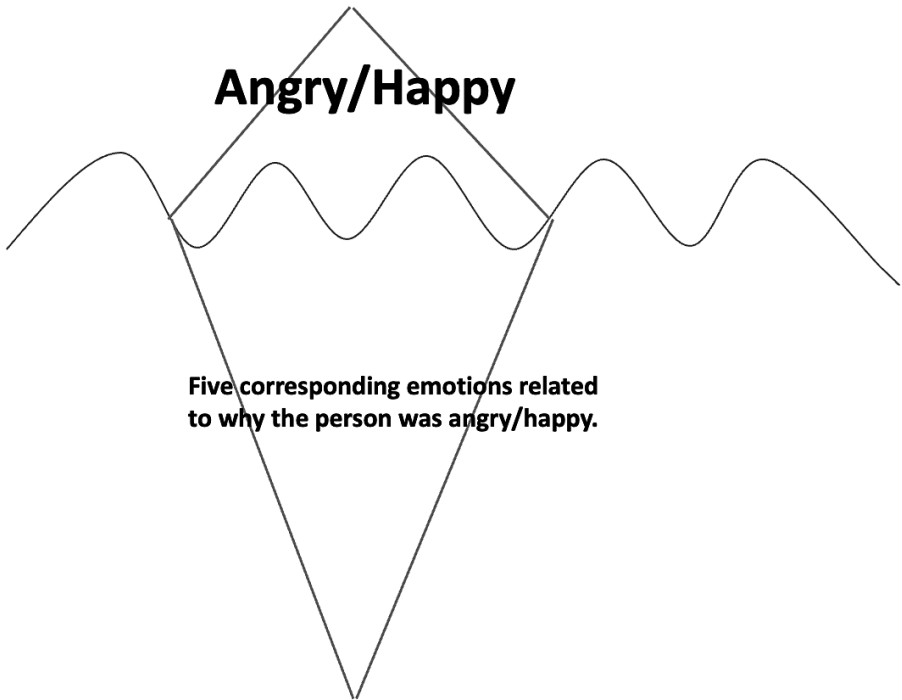
³³⁷ Kyle Benson, *The Anger Iceberg*, GOTTMAN INST., <https://www.gottman.com/blog/the-anger-iceberg/> [<https://perma.cc/VZT5-FR6B>] (last visited Mar. 18, 2022).

obvious; however, the purpose of this exercise is to discern and identify the other, underlying emotions that are also being experienced aside from anger.

The facilitator would then ask the participants to share some of the corresponding emotions (not the specifics of the situation or event) they were experiencing in addition to anger. The facilitator must explain the benefits of conducting this exercise, some of which include the fact that:

- labeling (acknowledging) the negative emotions increases emotional control;
- providing a label besides anger allows the participant to have a deeper understanding of their emotions and why they were feeling the way there were;
- connected to the above statement, when practicing this, the participant can then determine a more thoughtful approach and action; and
- when a c/h negotiator is more in tune with their own emotions, they will be able to better understand the emotions of the subjects with which they are negotiating and be more proficient with labeling the subjects' emotions.

FIGURE 2. ANGRY/HAPPY ICEBERG.



A variation of this exercise is adding a second version, the “happy iceberg,” which reminds the c/h negotiators of the value of savoring the positive moments instead of just acknowledging and regulating negative emotions.

It is suggested that these two exercises be shared when the c/h negotiators are learning about active listening skills—specifically, emotional labeling. It is important that the two exercises not be completed together, but rather at separate times.

vi. Gratitude

There are a variety of evidence-based gratitude practices. Among the various benefits for c/h negotiators, the practice of gratitude offers a counterbalance to the often negative aspects of their work. Further, as previously explained, gratitude practices can enhance an individual’s wellbeing and resilience.

The following gratitude practice is utilized in the “Warrior 21 Program,”³³⁸ a twenty-one-day resilience program that has been in-

³³⁸ See Thompson & Drew, *supra* note 2.

corporated into police trainings. The gratitude practice has three components:

1. Something that made them happy that day.
2. Something nice that someone else did for them that day.
3. Something nice that they did for someone that day.

When engaging in this type of resilience practice, the participant should be instructed to write down their answers. Importantly, when considering answers under each component, they should include the reason why it evoked gratitude. For example, if driving home without experiencing traffic made a participant happy, the facilitator would ask the participant to include why that made them happy. Examples of answers could include responses like “I got home early” or “I was able to spend more time with the family.”

It is suggested that this gratitude practice be given as “homework” during multi-day trainings and their answers be shared as a group the following morning at the start of the day. If it is a single-day c/h negotiation training, the gratitude practice can be discussed during a module that explains empathy and cognitive reappraisal (of course, if there happens to be a module covering this).

vii. Meaning and Purpose in Life

The M/PiL practices involve asking each c/h negotiator to write down their reason(s) for becoming a c/h negotiator and why they have remained c/h negotiators. The facilitator would prompt them by stressing the fact that there are plenty of other positions and titles they can have in their agency and ask why they decided (or wanted) to become c/h negotiators.

The facilitator would then ask the participants to write down three to four of their core values. This would be backed by a follow-up question on how they have demonstrated these core values in their role as a c/h negotiator.

Finally, the facilitator would ask them to write down something not work-related that gives them meaning in their life. It is suggested that this practice be conducted during the initial phase of training, in order to remind the participants about why they are in the training and that they are among like-minded people. The participants can share their answers amongst themselves.

viii. Physical Health

As previously stated, physical health can entail numerous practices, many of which would not be feasible to incorporate into a c/h negotiator training. Therefore, the following are practical ways that physical health can be discussed through interactive activities. The first recommended practice, for participants in small groups, is for each participant to share one way that they are looking after their physical health. The facilitator can provide examples such as sleeping habits, nutrition plans, workout routines, or other types of physical exercise.

An additional practice included under physical health is asking the participants to write down at least two of their hobbies. The facilitator would explain that one of the hobbies must include something that takes place outdoors and neither can be related to work.

There is no specific moment for conducting this practice during training, but options can include when returning after lunch, or as part of a module on personal resilience.

ix. Self-Compassion

Self-compassion practices hold a c/h negotiator accountable. The practices involve having the facilitator share information about an incident, real or fake, and one that none of the participants were involved in that did not end well. The participants should be asked how they would support the lead negotiator and what they would do and say to the lead negotiator, especially if the c/h negotiator is feeling guilty and despondent—in this scenario, discussions should be conducted in small group settings, which ensures that each person shares something.

Next, the facilitator would tell the group to imagine that they were, instead, the lead negotiator. If or when they find themselves involved in an incident that has a negative conclusion, this exercise reminds them to offer the same support and compassion to themselves as they would with another team member.

It is recommended that this exercise be conducted before the first scenario. This would remind each c/h negotiator to have realistic expectations and be fair to each other and to themselves.

x. Self-Efficacy

Critical to being a successful c/h negotiator is believing that one possesses the skill set and mindset to successfully gain voluntary compliance and negotiate surrender from a subject. In this

self-efficacy practice, the c/h negotiators are asked to reflect on two moments in their lives where they faced a significant challenge and succeeded: the first should relate to work, and the second should relate to their personal lives. They are then asked to reflect on the details of the situation and the actions they took that were successful.

Another practice involves asking the participants to write down three or four of their best qualities or personal strengths. Subsequently, and based on their responses, the facilitator should explain how this can be helpful to reflect on when they experience challenges in future crises and hostage incidents. This practice can be implemented before they engage in a challenging negotiator-related exercise or scenario.

xi. Realistic Optimism/Prospection

Having realistic optimism advances the self-efficacy practice. By believing that each person's skill set and mindset can be applied, success is possible, despite the direness of a given situation. In the realistic optimism practice, the facilitator asks the participants to write their activities that contribute to furthering their negotiation abilities. They are instructed to write down two to three specific examples, and how each example contributes to making them more effective negotiators.

Like some of the other practices, a prospection practice involves reflecting on a non-work-related event. This is done to demonstrate how resilience skills and practices can overlap, as was the case with the M/PiL practice with finding meaning and purpose in life not related to work in policing or as a c/h negotiator. The prospection practice involves the facilitator asking the c/h negotiators to write down and then share one specific, realistic thing they are looking forward to doing at some point later in the year.

These short exercises can be utilized at any point during training, such as when returning from a meal break or during a debriefing module after running through a scenario. For c/h negotiators to successfully offer hope to the subject and engage with them in forward, future-oriented thinking, they must practice this in their own lives.

The practices discussed in this section are just a snapshot of numerous resilience practices that can enhance a c/h negotiator's personal resilience, while contributing to their ability to effectively use the skills required of them as negotiators. It is recommended that during training, a module should be dedicated to improving

the c/h negotiator's personal resilience while these practices are incorporated throughout the training. This demonstrates the importance of resilience and wellbeing while also displaying how they can be seamlessly infused throughout the training.

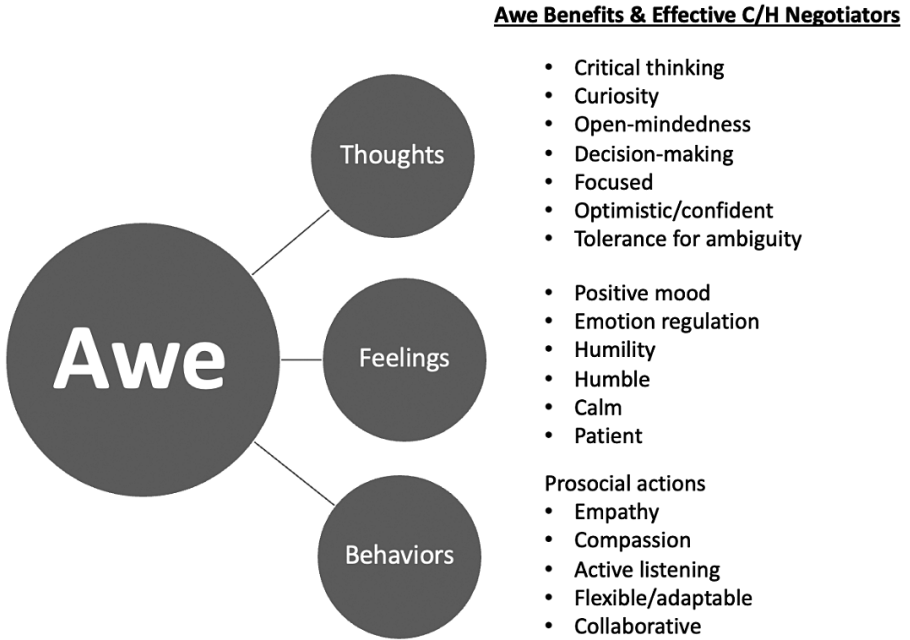
V. REAL WORLD INTEGRATION AND THE INTERCONNECTED NATURE OF RESILIENCE SKILLS AND C/H NEGOTIATOR SKILLS

Practicing and enhancing each of the resilience skills, similar to c/h negotiator skills, does not occur in a vacuum disconnected from the other skills and practices. Certainly, in research laboratory (and practice) environments, each skill can individually be tested, measured, and validated. However, in real-world environments, there is significant overlap with the use of these skills, as the benefits of one skill have implications on a variety of others.

It would be too exhaustive for the purpose of this Article to expound upon the numerous examples that identify the interconnected nature of each of the skills; therefore, one example will be used for demonstration purposes. First, Tables 1 and 2 initially established the implicit interconnected nature between the resilience skills with the skills of c/h negotiators. This section, and Figure 3 below, will provide a specific example to demonstrate this, using the resilience skills of experiencing and reflecting on awe.

The cognitive triangle (Figure 1) and its three elements (thoughts, feelings, and behaviors) are being employed to synthesize the relationship between awe and the skills of an effective c/h negotiator. Figure 3 displays how the potential benefits of awe equally correspond with the traits of an effective c/h negotiator.

FIGURE 3.



To further illustrate and expand on Figure 3, experiencing and reflecting on awe moments can support a c/h negotiator by proficiently employing their skills to increase their effectiveness. A variety of examples will be discussed further. First, as previously explained, experiencing awe can support an individual, in this case a c/h negotiator, in handling ambiguity or the unknown. C/h negotiation incidents can be synonymous with ambiguity due to the uncertainty and unknown variables frequently present.

Following this “rabbit hole” more deeply, experiencing awe and being able to handle ambiguity can promote positive moods such as patience, calmness (also through breath regulation), and not feeling rushed. This can allow the c/h negotiator to think more clearly, critically, and creatively, and focus on the task at hand while also looking at the “bigger picture” (ideally, a voluntary surrender). Further, it can lead to self-efficacy and confidence in the ability of the c/h negotiator, making them believe that they can effectively use these skills to achieve goals (realistic optimism).

Further, by engaging and reflecting on awe moments, the c/h negotiator can also experience other related emotions in addition to awe. Being more aware of one’s own emotions expands one’s ability to accurately assess the subject’s emotions, and thus leads to

greater proficiency in emotional labeling. Importantly, awe also can increase a sense of connectedness, which can contribute to the c/h negotiator working genuinely and collaboratively with the subject when using emotional labeling and other active listening skills in order to demonstrate empathy, build trust, and develop rapport. Of course, these actions are all part of the negotiation plan to positively influence and support achieving the ultimate goal: voluntary compliance.

As previously shared, awe can be experienced in a variety of ways, such as marveling at the uniqueness of a snowflake, listening to dozens of musicians working together to seamlessly create music, contemplating the earth's size to the sun (1.3 million Earths can fit in the sun), or directly or indirectly experiencing a momentous life event or accomplishment. Regardless of the moment, it can have a long-lasting influence on other resilience practices well after the moment concludes.

Thus, if the c/h negotiator allows themselves to be exposed to practices and moments that can elicit awe, they can benefit during crisis incidents. Additionally, by engaging in the awe practice of reflecting, a c/h negotiator can realize that awe occurs during c/h negotiation incidents, too. Think of the ostensibly insurmountable task of a c/h negotiator building trust and rapport with someone who is a complete stranger they only just met, who is sunken with hopelessness and can be intent on injuring themselves or others. This interaction might not even be face-to-face, as it can occur via phone or texting.

Regardless of the method of communication, the c/h negotiator's strategic and calm use of silence followed by an emotional label, validation of those feelings, and display of empathy can create a seismic shift. The compounding result is a metaphorical nudging of the subject toward collaboration with the c/h negotiator.

Time is considered a c/h negotiator's greatest ally, and instead of rushing toward a haphazard conclusion, the c/h negotiator and team should "slow time down" and work jointly, methodically, deliberately, and unhurriedly. Just like the previously mentioned group of musicians, this team-oriented negotiation process and result is awe-inducing; however, instead of the result being a musical masterpiece, an individual life, unique like each snowflake, is saved. After this, a post-incident debrief affords a reflective moment to acknowledge the astonishing collaborative work that a few

people on this massive planet, which is only a blip in this solar system, just engaged in selflessly.

Awe moments can occur all around us if we are open to experiencing them.³³⁹ For c/h negotiators, the result of experiencing awe and engaging in other resilience practices can enhance their negotiator skills, and equally, if not more importantly, their wellbeing.

VI. APPLYING RESILIENCE PRACTICES IN CONFLICT RESOLUTION

After reviewing the benefits of competency with the notions of awe and resilience in c/h negotiation, we suggest that these might convey to other conflict resolution roles. Below are just a few examples, primarily focused on awe for the purpose of brevity, and we invite readers to consider their own practices in light of the elements and practice of resilience and awe discussed above.

Familiarity with awe and the effects of “small-self” can allow negotiators to reconsider rushed acts of generosity that are triggered by information shared by the other, or by an empathic overload they experience. It is not our intention to suggest that negotiators should never be generous or recognize another’s need as greater than their own; rather, that they would always do well to consider, contextually, if such generosity is in-line with their overall goals and values.

Becoming more adept at recognizing and balancing the effects of awe and related instances of small-self can allow negotiators to lower that shield. Awe-competency can therefore affect negotiations in a variety of ways, ranging from use of the micro-skill of listening to navigation of the Negotiators Dilemma³⁴⁰ itself. Beyond learning to work with the sense of awe they experience, negotiators can genuinely practice awe-eliciting—and other resilience—techniques to their benefit in persuading their negotiation counterparts to work with them. What process benefits might stem from awakening a “small-self” response in your counterpart? Consider the value of heightening your counterpart’s cognitive flexibility, increasing their capacity for creative thinking, and opening them up to experiencing positive emotions in the negotiation process.³⁴¹

³³⁹ KIRK J. SCHNEIDER, *AWAKENING TO AWE: PERSONAL STORIES OF PROFOUND TRANSFORMATION* 153 (2009).

³⁴⁰ LAX & SEBENIUS, *supra* note 16, at 29–45.

³⁴¹ *See generally* Chirico et al., *supra* note 189; Zhang et al., *supra* note 190.

Mediators could also benefit from a greater understanding of the nature of resilience practices, including awe, and their impact. Beyond recognizing the direct effects on negotiators, as noted above, understanding these resilience practices can help mediators increase their effectiveness as well. For example, assuming many mediators are prone to being creative, they are particularly susceptible to experiencing awe;³⁴² in turn, this can feed their prosocial tendencies.³⁴³ This would suggest that familiarity with principles of awe can allow mediators to monitor themselves for undesirable responses to awe, such as cracks in their impartiality. At the same time, mediators could use awe practices as a battery from which to re-energize themselves in the midst of an essentially draining process.

Finally, mediators who view increasing parties' prosocial tendencies in a particular process to be part of their role could do so by means of triggering the emotion of awe in them.³⁴⁴ Even mediators who are less inclined toward such influence might consider stimulating awe in order to benefit parties through its effects of decreasing aggressiveness and exclusive focus on oneself.³⁴⁵

Another contribution of awe to a negotiator's or mediator's toolbox lies in its contribution to resilience. More generally, resilience—as a standalone trait—is worthy of introduction into the conflict resolution toolbox and educational curriculum. Above, we have noted the following in defining resilience:

Resilience has been defined as the capacity to resist, overcome, thrive, and prevail in the face of adversity[.] . . . [having the] flexibility in response to changing situational demands and negative emotional experiences[.] . . . [and being able to] experience positive emotions while in the midst of stressful situations, which can contribute to [a resilient individual's] ability to rebound successfully.³⁴⁶

Any conflict resolution professional, whether a party to negotiation or a third-party helper, would likely recognize the benefits of enhancing this trait or capacity. It is surprising, therefore, that for the most part, resilience has generally not been targeted for specific and in-depth exploration in the broad literature of negotiation and mediation, outside of the c/h negotiation area.

³⁴² Zhang et al., *supra* note 190.

³⁴³ See generally Piff et al., *supra* note 161.

³⁴⁴ Limpt-Broers, Louwerse, & Nilsenova-Postma, *supra* note 174, at 489.

³⁴⁵ Bai et al., *supra* note 165; Prade & Saroglou, *supra* note 175, at 6.

³⁴⁶ See *supra* Part IV(A)(iii).

In the broader negotiating literature, resilience is rarely considered. When it is, it is largely only one aspect or implementation that is mentioned: recovering from impasse. As Bertram Spector described resilience:

Negotiation resilience is defined as the capacity of negotiating parties to recover from actual or anticipated setbacks, stalemates and deadlocks experienced in the negotiation process by finding ways to restart the process. When negotiators are faced with real or potential failures in achieving negotiated outcomes, resiliency—if they have it—can help them bounce back from the verge of failure and identify and apply new strategies and tactics that can facilitate overcoming the impasse.³⁴⁷

Following this approach, there is some literature investigating the impasse-breaking capacity and practices of more—or less—resilient negotiators.³⁴⁸

The authors suggest that beyond the world of c/h negotiation, negotiators have much to benefit from exploring this trait, and in a broader sense than previously suggested. Negotiators might experience adversity not only at moments of outcome-impasse—e.g., the rejection of an offer—but rather at any number of other moments during the course of a negotiation process. Any time a negotiation counterpart ignores you as you speak, talks over you, puts you down, or makes you an offer that clearly ignores the interests you have shared, you experience adversity. This list could be expanded to include an infinite range of subjectively experienced aggressions and microaggressions, whether enacted intentionally or unintentionally by your counterpart. Resilience—as it has been defined in the broader resiliency literature—could certainly help negotiators coping with all of these adversarial actions used by their counterpart.

More recently, negotiation researchers have begun to explore *trait negotiation resilience*.³⁴⁹ They cite this research in a broader exploration of individual differences between negotiators as a mat-

³⁴⁷ Bertram Spector, *Resiliency in Negotiation: Bouncing Back from Impasse*, 11 INT'L NEGOT. 2, 3 (2006).

³⁴⁸ See Jihye Park & Seungwoo Kwon, Presentation at the EAMSA 2015 Conference Program: Does a Resilient Negotiator Always Use a Problem-Solving Strategy? The Moderating Role of Constituents' Support (Oct. 30, 2015).

³⁴⁹ Noa Nelson, R. Shacham, & R. Ben-ari, *Trait Negotiation Resilience: A Measurable Construct of Resilience in Challenging Mixed-Interest Interactions*, 88 PERSONALITY & INDIVIDUAL DIFFERENCES 209, 215 (2016).

ter of personality.³⁵⁰ This negotiation resilient trait is composed of multiple components:

- (1) empathy toward self—understanding one’s own emotions;
- (2) empathy toward the other—understanding the emotions of others;
- (3) self-improvement motivation;
- (4) confrontation avoidance—maintaining social harmony;
- and (5) perceptions of meaning—finding meaning and purpose in life occurrences.³⁵¹

While exploration of this trait has largely focused on negotiation *outcomes*, trait negotiation resilience lays the groundwork for understanding how heightened resilience can benefit negotiators throughout the process.

Beyond improving mediators’ capacity to assist with parties’ negotiation, heightened resiliency would assist them in navigating their own moments of adversity in the mediation process.

Returning to the notion of improving capacity through training and education, we suggest that awe and resiliency would make helpful additions to the curriculum of negotiation and conflict resolution education and training. Their benefits are likely to take the form of improved process and beneficial outcomes in discrete processes, as well as increasing professionals’ overall degree of wellness.

VII. CONCLUSION

The unique contribution of this Article is structured through a translational research approach. First, this Article examined the skills and qualities of effective c/h negotiators, as well as other conflict resolution practitioners. This Article also examined the literature on awe and other evidence-based resilience skills were examined. This Article discussed the practices that c/h negotiators and others can utilize in their practice, based on the existing research.

This Article is exploratory, and thus, future qualitative and quantitative studies can measure the efficacy of these resilience practices with respect to potential improvements in negotiator skills and c/h negotiators’ overall wellbeing.

³⁵⁰ For introduction to this broader research, *see* Elfenbein et al., *supra* note 6, and the literature it references.

³⁵¹ Nelson, Shacham, & Ben-ari, *supra* note 349, at 215.

This intentional process is an attempt to bridge the gap between research and the practitioners who can best benefit from these resilience studies. The aim is to connect the research with practices that can be practically implemented, especially during both c/h negotiator initial training and their on-going training. This will help them become more effective in their c/h negotiator role and will also help them flourish in their personal lives. Finally, this Article hopes that by raising awareness of these resilience skills and by implementing the corresponding practices, it will also benefit all police personnel and other conflict resolution practitioners, such as other negotiators and mediators.

